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COLLECTIONS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

Committee of Publication

FOR THE PRESENT AND THE PRECEDING VOLUME.

THOMAS ASPINWALL.

GEORGE E. ELLIS.

WILLIAM S. BARTLET.

JOHN LANGDON SIBLEY.

COLLECTIONS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

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ASPINWALL PAPERS.

PART II.

THE ASPINWALL PAPERS.

WATTS TO MONCKTON.

NEW YORK, 3^d Sept. 1763.

DEAR SIR,

My last was 25th ult^o to the care of Doct^r Catherwood through Bristol, I have little to add to it upon business, but to inclose our third Bill on the Contractors for £500 St^g. I gave Deale a jog lately, but he says, he has not been able to collect any good sum together since the last & only payment of £1015 17 6 — I have accounted to M^r Hardy for the post chaise £120 — & paid your subscription to the Greenwich Road £20. which goes on pretty well. — By the papers you will see Coll^o Bouquet got to Pittsburg with the loss of fifty kill'd & as many wounded out of about four hundred, his success tho' dearly bought enough, put us in tolerable spirits, till last night Captⁿ Dalyell's servant came from Detroit with the following very disagreeable piece of news —

On the thirty first day of July about midnight, he left Detroit with two hundred and fifty men to surprize a number of Indians who lay about two miles and a half from the Fort but before he reached them, they got intelligence of his coming & with a much superior number were prepared to receive him, the action grew warm & in it he had received already two wounds when a third shot laid him dead on the spot, near forty of the party were wounded & twelve or fifteen kill'd, the enemy its said lost six or eight kill'd and about double the number wounded, Capt. Gray of Gage's or rather the 80th & Lieut. Brown of the 55th are among our wounded but likely to do well — The party

when they found they had the worst of it retired back to the Fort as decently as they could — Cap^t Dalyell's death concerns us much as his conduct was always very uniform & sensible —

I am always

D^r S^r

Yrs. very truly

JN^o WATTS.

No matters of Government at all transacted since you left us except proroguing the Assembly — Things seem at present in a deep sleep, the old gentleman still in the Country — We cannot make a Council to do business without a universal summons from all quarters, Jersys, Orange & Jamaica — I wish M^r Reade was in M^r Martin's room & some body else in M^r Pratt's —

SAME TO SAME.

NEW YORK, 17th Sept. 1763.

DEAR SIR,

On the 3^d inst. I wrote you by Lieut. Hill who embark'd in the Marlborough Transport, & sent our Papers up to that time — By Captain Basset who goes in this packet I send you the papers by themselves, as I am afraid you will think them hardly worth the postage — Mr. Hardy & his family & Major Harvey go likewise in the packet, but I believe their approaches to London will be but slow, the one from their number & luggage the other from inclination.

Deale has yet paid me no more money, I fancy it grows a scarce commodity, or he negligent. I will soon know which & see to remedy either, as time cannot make matters better, it may worse.

Unfortunately for us at this advanced season, one of the

vessels in Lake Erie sprung a leak & went down with a whole cargo of Provisions for Detroit — The swarthy tribe it is said see their error in puzzling about that Post & talk of cutting off the communication between Niagara & Lake Erie, woe betide the poor folks at the Detroit if they are able to carry their threat into execution, 'Tis an ugly & a long communication that, both by land & by water before you reach the length where the vessels can come to you in the Lake —

No men yet ask'd of the Colonies, nor the transaction in Government that we have any hand in except proroguing the Assembly & we were forc'd to summon Lord Sterling quite from Long Hill down to do that, something ought certainly to be done to *mend* the Council.

I always am

Dear Sir

Y^{rs}. Very truly

J^{no} WATTS.

How d'ye to Gates if he is alive & has recover'd his temper, S^r Harry I hope is well, & all the little ones:

After I had finish'd my letter Deale brought me £1027 18 6 balance of the Furniture which I have not time to remit you by this conveyance. He sends the Acc^t of Sales however he tells me now — Some small debts are still outstanding which he hopes you will allow, if by chance they should be bad, tho' from the face of them I apprehend no danger, he is a timid sort of a body, but seems honest.

I have paid Oliver De Lancey £76. for your Bill in his favour, and quite forgot to mention to you, that Deale deliver'd into my care the Silver Urn or Tea thing, it would not sell any thing near your price. It shall wait your order.

Hon^l Gen. MONCKTON.

COLDEN TO THE LORDS OF TRADE AND PLANTATIONS.

NEW YORK Sept^r 26th 1763

MY LORDS,

Since General Monckton left this Government, I have seen the copy of a Representation made to him by five gentlemen of the Council, relating to the boundaries of this His Majesty's Province, which in my humble opinion, were it to take effect, would be pernicious to his Majesty's rights and revenue; and therefore as the affairs of the Colonies may probably at this time, come under the consideration of his Majesty's ministers, and this Representation may be laid before them, I think it my duty to make remarks upon it, to shew the mistakes these gentlemen have fallen into.

Had I been apprised of it before it was made, I presume I should have been able to have prevented the mistakes. I have been 40 years at the Council Board, and in that time have been more conversant in publick affairs than any man now living in this Province. These gentlemen, all of them, except Mr Horsmanden, have had seats only a few years at the Council Board, and it is impossible they can be fully informed without the assistance of others. They have neglected likewise to consult the minutes of Council, when the same matter had been formerly under the consideration of the Council, who after long and mature deliberation, and after consulting the principal officers of government, and every other person who they thought could inform them, came to Resolutions very different from the sentiments of these gentlemen, as will appear in the minutes of Council of the 18th of October 1751; and more fully and clearly in the minutes of the 2^d of March 1753. I had likewise the honor to write to your Lord-

ships predecessors in office on the same subject the 28th February 1761.

The motives to the Representation are certainly just viz. the preventing tumults and disorders on the Borders; and I join heartily in opinion with them, that it is greatly for his Majesty's interest, and for the benefit of this and the neighbouring Colonies, that an end be put as soon as possible to these disputes; but at the same time, I hope to shew by what follows, that this may be done without giving up His Majesty's rights, or encouraging intrusions, which have been made, or hereafter may be made on the Kings lands, and without in the least distressing His Majesty's subjects, who have settled on these lands and cultivated them.

That I may not too much trespass on your Lordships' patience, I shall pass over several mistakes in this Representation, that I may come to the principal error upon which the whole is founded with respect to the Massachusetts Bay. It is this.

The Gentlemen, as they say, "have been informed that in the Year 1664, Commissioners were appointed by King Charles the Second, to settle the Boundaries between this and the adjacent Colonies, who determined that a Line parallel to Hudson's River, and at twenty miles distant from it on the East side thereof should divide the two Provinces of New York and Massachusetts Bay from each other, to which the Legislature of the latter agreed as appears by the Record of this transaction at the Plantation Office. But this settlement was never carried into effect, has been rejected or not insisted on by the Massachusetts Bay, is not mentioned in any of the Publick Records or Papers here, nor was introduced in the debates on this subject at the Congress or Meeting of Commissioners from both Provinces, at Albany in the Year 1754, and till very lately hath been utterly unknown to us."

In consequence of this new discovery, they conclude,

that a line at twenty miles distance from Hudson's River would be an equitable boundary, not only between New York and Massachusetts Bay, but likewise between New York and New Hampshire.

There is great reason to doubt of some mistake in this information. That the whole of that settlement of boundary related to Connecticut only, and not to the Massachusetts Bay; for as to Connecticut it appears on the Records of New York, but in no shape as to Massachusetts Bay. It is unaccountably odd, if this information be true, that in so long a time, the people of Massachusetts Bay should at no time avail themselves of it, unless it be supposed, that they are convinced of its being now of no force.

If the equity be considered, by which the settlement of boundary with Connecticut was made, it will appear that the equity did in no manner extend to the Massachusetts Bay.

Before the Duke of York received his grant, and while the Dutch were in possession of New York, the people of Connecticut had their principal towns and settlements on the West side of Connecticut River (which is the Eastern boundary of the Province of New York) and had even extended their settlements on the sea coast within ten miles of Hudson's River; but the Massachusetts Bay (as I have been informed and believe) had made no settlements so far West as Connecticut River. It was in consideration of these settlements made by Connecticut, that the boundary between New York and Connecticut was fixed 20 miles from Hudson's River, reserving however to Connecticut the settlements actually made though within less than ten miles from Hudson's River; for which they were to allow an equivalent in the inland parts where they had no settlements. By this equivalent the distance between Hudson's River and Connecticut in the upper parts is above 22 miles. The not considering the want of equity in the Massachusetts Bay, which Connecticut

evidently has, produced an essential error in the judgment which the gentlemen formed of this matter.

About the year 1675 (if I mistake not the year) the charter of the Massachusetts Bay was, by decree in Chancery declared void. This decree was never reversed and remains in force at this day. Thereby the Duke's title to the lands on the West side of Connecticut River became indisputable; and this decree put an end to all settlement of boundary with Massachusetts Bay, if any there were. While the Duke was thus seized of his Province of New York, as far as Connecticut River, he succeeded to the Crown of England, and thereby the Province of New York became part of the Crown Lands, and has ever since passed with the Crown.

After the Revolution, the Colony of Massachusetts Bay obtained a new charter from King William, by which that Colony is to extend *as far Westward as Connecticut*. As it nowhere appears that the King had any intention to grant any part of his Province of New York to the Colony of Massachusetts Bay, the word *Connecticut* must mean the *River Connecticut* and if the people of Massachusetts Bay had made no settlement at that time on the West side of Connecticut River, as I am confident they had not, their charter can receive no other construction, either in law or equity, than that the Colony of Massachusetts Bay extends *as far westward as Connecticut River* and no farther. By inspecting any general Map of the Northern Colonies, it appears that the Colony of Massachusetts Bay cannot be bounded to the westward by the Colony of Connecticut.

In my humble opinion no reason of any weight can be given, why the King should not affirm his right to the lands on the West side of Connecticut River, and to the northward of the Colony of Connecticut, unless it be that many families who have unadvisedly settled on the West side of Connecticut River, would thereby be ruined. But if the King shall think fit to confirm their possessions to

them, on their paying the Quitrent established in his Province of New York, they cannot in any shape be distressed, or have any just reason of complaint.

As the Province of New Hampshire is bounded to the Westward by the Eastern boundary of his Majesty's other Governments, the Governor of New Hampshire can have no pretence for extending his claim on the West side of Connecticut River which is the boundary Eastward there of the Province of New York, especially after repeated remonstrances had been made to him, by the Government of New York, on this head. Notwithstanding of this the Governor of New Hampshire continues to grant lands far to the Westward of Connecticut River, to numbers of people who make a job of them, by selling shares in the neighbouring Colonies, and have even attempted it in the City of New York, and perhaps not without success. The Quitrents in New Hampshire, as I am informed, are much lower than in New York, this is made use of as an inducement to purchase under New Hampshire, rather than to settle under New York grants.

The most surprising part of the Representation of these Gentlemen is that they should propose only a saving of the grants in New York which extend above 20 miles from Hudson's River and were made before the second charter to Massachusetts Bay, when it is clear that the second charter cannot extend beyond Connecticut River, and it is not so that the first did not.

In the last place I cannot conceive on what principles of justice, policy or public utility these gentlemen advise the settling the boundary between His Majesty's Province of New York, and the Colonies of Massachusetts Bay and New Hampshire at 20 miles East from Hudson's River.

If all the lands in the Province of New York from 20 miles of Hudson's River to Connecticut River, were given up, the Crown would be deprived of a Quitrent amounting yearly to a large sum, in my opinion, greater than the amount

of all the Quitrents of the whole that would remain and is now received.

The New England Governments are formed on Republican principles, and those principles are zealously inculcated on their youth, in opposition to the principles of the Constitution of Great Britain. The Government of New York on the contrary is established, as nearly as may be, after the model of the English Constitution. Can it then be good policy to diminish the extent of Jurisdiction in His Majesty's Province of New York, to extend the power and influence of the other.

The commerce of the inhabitants on the East side of Hudson's River, to a great extent Eastward, probably as far as Connecticut River, is with the towns on Hudson's River; it must then be extremely inconvenient to them to be under different laws, different jurisdictions, and different currencies of money.

I have no objections to the observations the gentlemen have made as to the boundary of this Province Westward. And I join heartily with them in recommending a proper fund to be established for recovering his Majestys rights from all intruders. It appears by the King's instructions to his Governor of this Province that his Majesty has been informed of great intrusions on his rights by private persons, and the Governor is directed to take a legal means for recovering of the King's rights. But this cannot be done without great expense at law, for which there is great reason that provision be made, because no officer can do his duty without incurring the resentment of rich and powerful families

I am, with great submission
My Lords &c

SAME TO MONCKTON.

NEW YORK, October 7th 1763.S^a

Since you left this place, I have seen the Copy of a Representation to your Excellency by five Gentlemen of the Council, in which I have observed several mistakes, which I think may be prejudicial to his Majestys Interest at this time, when probably the affairs of the Colonies may come under the consideration of his Ministers. I have therefor thought it my Duty to put the subject Matter of that Representation in a truer light, as I conceive it, by a letter which I write at this time to the Lords of Trade & Plantations, a Copy of which I inclose, that you may be likewise informed & that your Excellency may be more fully apprized of what may be proper to be done.

It may not be improper to observe to your Excellency, that it has been usual to send over a new Great Seal for this Province at the Accession of a New King. It has been longer delayed at this time than usual & may be forgot. The Kings & Queens Pictures have likewise been usually sent at the same time & some other things.

You know, sir, the State of the Fort, that it is needless for me to mention any thing of it, but allow me to put you in mind of poor Christopher Blundel, who has lost his pay by the disbanding of the independent companies. You know him to be an useful & carefull man. There is not any person to take care of the stores, Ammunition or of any thing else except himself, & he continues to take care of them, in hopes of being some how provided for.

The Assembly meets the 8th of next month. I shall do my self the honour of writing to you, of what ever I think

you may be desirous to know. At present I have nothing to add, but that, I am with the greatest Respect

Sir

Your most obedient &
most humble servant

CADWALLADER COLDEN.

His Excellency Major General MONCKTON.

WATTS TO MONCKTON.

(Pr. Capt. TAYLOR to London.)

NEW YORK 30th Octob^r 1763.

DEAR SIR,

My last was 17 ult. by the Halifax Packet. When the Cumberland sail'd, I was roving in the woods as a Trustee about a family law suit, and at my return found your favor of 13th Aug^t at home, which gave me great pleasure to find you were all got safe & well on t'other side the water — I have paid your compliments to all your friends in our circle & return'd Mr. Cruger your thanks for his sons obliging behavior to your family at Bristol. Napier is well & offers his best respects to you, S^r Jeffery is just return'd from an excursion to Albany for ten or twelve days to meet S^r William about Indian affairs which dont seem to be mended. — You will have seen that they cut off a party sometime ago on the Portage between Niagara & Lake Erie in consequence of their threats & kill'd about ninety men out of about a hundred & fifteen or twenty, these were suppos'd to be the Senecas who are now openly declar'd against us, & have threaten'd it's said some of the rest of the Six Nations, to extirpate them if they do not immediately join the Confederacy — S^r William is very appre-

hensive of his own safety & if he quits, the whole Mohawks River they say will break up — Our Assembly meet in common course Tuesday next a week — We have heard nothing yet of a demand of men nor have we done any business of consequence or indeed that deserves a recapitulation since you left us, I heartily wish some vigorous measures may be taken relative to the Boundaries of the Colony or we shall be plagu'd to death with intestine disputes & divisions but in the confus'd situation they themselves are represented at home, we have not appearances much in our favor. Some letters from Ireland mention Lord Hillsborough's being at the Head of the Board of Trade from whence it's inferr'd Lord Shelburne succeeds Lord Egremont — Apropos, The College agent, M^r Jay, writes the Governors that he spoke to Lord Shelburne about a grant of land for the use of the College which his Lordship seem'd to relish very well. If an order could be obtain'd for the Governor to grant it, I should imagine it would not be a wrong measure & if you would be so good as to countenance it if it falls easily in your way, the Governors I am sure would be very grateful for the favor. The quantity must be submitted to the Bounty of the Crown, as it must be taken up at a great distance & will for a long time be of little value, about Ten thousand acres has occur'd to me as a seemly quantity enough, however that & every thing else relative to it must be humbly submitted to the Donors. If the quit rent could be releas'd as the distance will render the income for a long time unequal to any burthen it would be a very great favor, but this & every other circumstance as I have already said, must be as it must be — The Governors have thought it Mr. Jay's duty to wait on you before he moves any further in it, to know your pleasure & pray your countenance which they will be very thankful for — I am directed to present to you their best respects & good wishes. And now for domestic business. The carved work & glass at the Fort I

believe we shall get the Assembly to pay for, as it would be a pity to move it & it will sell for a price far inferior to its worth. The Farm Deale says is not in a clever way, with respect to the household furniture and implements, &c, one claims one thing & another another, till he says all will be gone without some directions. — General Amherst has made no use of it — The Gardiner has had a pure time — Daddy Horsemanden has not yet paid for the chariot, you know his motion is slow at best & I don't think matrimony has mended it — John Leary offers £50. for the horse & will throw in the keeping which he says is almost twenty pounds more, I told him I could say nothing to it but would let you know it — I am tired of writing & I am sure you must be much more of reading, if you are so indulgent as to go thro' this long scrawl at one sitting, I shall therefore beg my sincere respects to family Gates, S^r Harry, Seton & all friends,

& remain with unfeign'd regard,

D^r S^r

Y^r Most faithful &

Ob^t Serv^t

JN^o WATTS.

A report spreads very current of G. A. going home & G. Gage coming down, I don't know what foundation it has — Inclosed is De Lancey & Watts' Bill on S^r James Colebrooke & Partners Value £400. Stg. 90 p ct. £760 Currency. Bills are scarce even at that high rate.

WATTS TO MONCKTON.

NEW YORK 24th Nov. 1763.

DEAR SIR,

The foregoing long rough scrawl I send you, least the original sho'd miscarry, as it relates to some particulars, it

may not be improper for you to be acquainted with — Not one word have we heard from you since your letters of the beginning of August soon after your arrival — G. Amherst sail'd a week ago in the Weasel, he can tell you the situation of affairs in general much better than I can or indeed any body else. We all parted very well, C. and he rather cool, but I shall always acknowledge and will gratefully return his great politeness and civility to me — My respects wait on him & Coll^d Amherst, the Colonel's benevolent disposition every body commends & respects.

What measures will be pursued under the present command is not in my power to tell you, but from what I can collect without doors the ideas of Indian affairs differ — M^r. A. demanded of this Colony 1400 men, of Jersey 600, of the Southward some for their own Frontiers, but now its said of all N. England, which these Colonies do not relish. Jack Franks has your papers, votes, speeches, and addresses, by which you will in some measure feel the pulse of the House, they are at present squabbling about a Corporation Law that limits the price of provisions at market, which does not at all set easy on the voracious stomachs of the country people & which to speak with strict impartiality, was both very precipitately and unfavorably made, if it was to be made at all — But their sense of the General's requisition from what I can collect from some of the leading members is this, that being most threatened, they are content to vote & have voted 200 men for the Western Frontiers, Ulster, & Orange one hundred for Albany to the Southwest & three hundred to preserve the communication between Fort Stanwyx & Oswego — If it is to be a general offensive war, they say, to do the business effectually, the whole requisition is unequal to the work, the troops will be cut piece meal to pieces, the enemy will gain confidence and strength by new alliances, and therefore all the Colonies at least ought to be call'd upon to make the work sure & expeditious, more espe-

cially as this kind of savage warfare is in its nature so distressing by its protraction. Jersey lies couchant waiting to see what this Colony does & then will act in a sneaking epitome as they always do — This Colony besides subsisting the above six hundred men, continues likewise the one hundred & seventy two, that you kept in service by advice of Counsel, after the expiration of their time so that including officers, it has above eight hundred men voted & on actual service together — The Committee for Correspondence told me they intended to send you an account of their proceedings with their reasons: &c: —

We have been teased with Major Sheen's exorbitant claim, not having a letter wrote by the Board of Trade to Gov^r De Lancey that fell into the President's hands dated 13th June 1760, he thinks we have trespassed on his rights, the Grant to the Artillery Company does comprehend some settlements of his, which we have left them to accommodate as well as they can, engaging the Artillery to give them the like quantity adjoining their tract — if they do consent to resign his absolute settlement & his Honor has hinted that unless they do, their grant shall not pass the seals, so there is a queer jumble among them. However to pacify the Major & at the same time pay a respect to G. Amherst's great promise to him, we have advis'd his Honor to grant him a Tract of twenty five thousand acres in a square comprehending the Falls of Wood Creek where he has a Mill, the Creek running pretty near through the middle of the tract — The Assembly have yet sent us up no Bill, they have voted the three puisny Judges two hundred salary each, the old gentleman rests where he was & will be pure & gruff about it — Old S. makes no figure upon the Bench, he wants his son's able talents — An Express they say brings an account of the Moravian Mills at Bethlehem being burnt by the Indians, 'tis a pity, they were of a fine construction & it will distress the settlement — I cannot for my life see yet a probable end of

this infernal war either by force or treaty — the one is so difficult & the other so uncertain & tame.

My heartiest respects to my friend Allen & his family, I rec^d his welcome letter before he set out for the North & answer'd it very circumstantially, his family are well — They have had a round of dinners, addresses, &c. on the arrival of M^r Penn, but the addresses of the Corporation & Clergy rather seemed calculated for the predecessor than the person in possession, how the assembly will incline is yet to appear.

I am very sincerely,

D^r S^r

y^r faithful &

obligd humb^l Serv^t

JN^o WATTS.

The 2^d Bill for £400 st^s is enclosed.

SAME TO SAME.

NEW YORK, 10th Dec^r 1763.

DEAR SIR,

My last was a terribly long one by Jack Franks, not one syllable have we had the pleasure of hearing from you since your first arrival — The October Mail got here in course, but the preceding of September was shipwreck'd on the Coast of North Carolina, found very well soaked at a great distance from the vessel & is yet on its way — hither. Coll^o Philips Morris goes home in this packet and has your papers, votes, &c, he will tell you personally what is doing here. I am sorry the assembly out of dislike to the old man have taken off the £200, they added to your Salary, it looks too unsteady. Gen^l Gage I believe has

made a requisition of all the Colonies for men to act vigorously in the spring but has got no answer. Jersey rejected Gen. A's moderate demand of six hundred and voted only two, with such mean pay as its thought the Governor cannot consent to, as it would entirely counteract the service. Philadelphia is doing nothing, Genl A, ask'd a thousand men but the assembly has not since sat.

I have rec^d of the Treasurer £136. 19. 7 for your Salary from 1st to 25th June & £181. 10. 2½ from the old gentleman for half the salary from thence to 1st Sep^r — Nothing else occurs to me but to subscribe myself

Dear Sir,

Y^r M^o Faithful H^l Serv^t

JN^o WATTS.

We are passing many Bills I [was] but sadly puzzled to make a Council & after all to have a whole Branch of the Legislature trusted in the hands of three men, the majority of five is too much — Wont Clark resign it does him no good, Martin's time is expired, poor Mr. Read again disappointed by Apthorp's getting in the way.

SAME TO SAME.

NEW YORK 27th Dec^r 1763.

DEAR SIR,

The 10th inst. I had the pleasure of writing to you by the Pitt Packet, which I believe I may venture to refer to, as my letter is not to pass thro' the Indian Country. We have to this time not heard a syllable from you since your first arrival. The Greenwich road is ready & a very good one it is.

The Indians you will see have made a Truce with Major

Gladwin, with what view or from what motive is uncertain, this good effect however flow'd from it to that harass'd garrison, it permitted the Major to collect the provisions from the adjacent inhabitants & to lay in a stock both of food & fuel to 1st July next, at a distress'd time when he had but fourteen days left & when Major Wilkins on whom his whole dependence lay, by bad weather on the Lake had lost above seventy of his party, most of the provisions, many of his batteaux, all to a trifle of his ammunition and was oblig'd to return back to Niagara, from whence he came — Moncrief was upon this jaunt, but has brought back his belly as plump & as prominent as ever.

I told you we have about eight hundred men in pay of this Colony now, the 172 you continued & the 300, to keep up the communication between Fort Stanwyx & Oswego under the command of the General, the remainder to guard the Western Frontier, under the command of the Governor. My regards to all friends & believe me truly

D^r S^r

Y^{rs} &c: &c:

JN^o WATTS.

SAME TO SAME.

NEW YORK, 29th Dec. 1763.

DEAR SIR,

I have already wrote you by this conveyance but forgot to mention that the Assembly were somewhat alarm'd at a letter from the agent indicating the danger their act was in of a repeal, "For dividing the Great Patents," which certainly is a useful act as it answers the purposes of the Crown by putting these Patents in a state of settlement,

which they cannot otherwise do, as there are so many absentees, minors & God knows what, besides a present repeal would injure many people who have been at a considerable expense & mean I am sure very fairly to the public — The lazy Committee I find have neither wrote to you nor the Agent, representing the state of the Colony but as the Assembly is just broke up, they propose setting about it without any further delay.

We were yesterday in Council declaring War against New Hampshire for scandalously hawking about Townships to the highest bidders and taking in every ignorant Peasant both in this Colony & the Jersys for what money they have to spare for Grants its imagined they have not the least right to make — the Proclamation is not yet printed, you will have one when it is. Mr Colden will send another to the Board of Trade — When will they make the Colonies so happy as to settle their limits? 'tis a cruel neglect — I forgot to tell you before that the two pipes of Madeira lie safe asleep in my cellar.

I am always

D^r Sir.

y^r most Obed^t humb^l Serv^t

JN^o WATTS.

The good folks at home are quite overshooting the mark about trade here, little do they think Mother Country will pay for it all at last & when that happens commerce will be dispassionately consider'd. The intercourse between the Dutch &c, & the Colonies (I mean Dry Goods every where) ought to be entirely suppress'd, but the rigorous execution of the Sugar is injurious, Like ninepins, says Hudibras, one merchant knocks down another, the King Pins that fall heaviest will fall at home, & manufacturers feel the weight of 'em —

R. PETERS [P] TO MONCKTON.

PAXTON (PENNSYLVANIA) RIOTS.

PHILADELPHIA January 19th 1764

D^a SIR,

I wrote to you by Mr. Croghan who took his passage to London in the *Britania* Captain Tillet, and sail'd from our Capes the 30th last month, to which please be referred. Since then the Connastago Indians were all killed, of which affair permit me to give you a Detale.

About 40 of the Inhabitants of Paxton on some assurance, they had received, that the Connastagoe Indians tho under the protection of Pensylvania, had from time to time since the commencement of the present war with the Savages, not only carryed them all the news they could collect, but also great Quantities of Amunition, did arm themselves and goe down to the mannor, and there killed 6 of the said Indians, this was looked upon by the Government as a most horrid action, and not only a violation of the laws of Government & society but of humanity. Therefore the Governor issued his proclamation offering a Reward for apprehending any of the Murderers and Bringing them to Justice.

The Magistrates of Lancaster, on the Commission of the above affair, for the more effectually protecting the 14 surviving Indians of the Conastagoe gang, from a like fate, order'd them into the Work house of that Burrough. But no sooner had the above proclamation appeared, than the enraged Inhabitants from all parts of the Frontiers, collected together, and agreed on going to Lancaster, to finish the 14 Indians, which they accordingly did.

All this tho' in fact committed by persons of various Countries and Denominations, the *Quakers alledge was*

done by the Irish, whom they call Rebels, Murderers and disturbers of the peace; recounting the Irish massacre which they say was not of a more barbarous nature than the present, and threaten them with all the Vengeance of Justice. Those Discriminations are very disagreeable to the *Irish* in this City, and am apprehensive will produce very inveterate parties in the Government. The Presbyterians are kindling fast and considering themselves as the only people, at whom those invectives are aimed; are determined to lay aside the Religious animosities subsisting between themselves, and now unite to make the Government as Disagreeable to the Quakers as they possibly can, and in order thereto will the next Election Day, choose their Cleargy to represent them; a thing that I believe will prove very dissatisfactory to the Friends.

Every person that Regards the Rights of Society should condemn those Rioters, as violators of the peace and quiet of the Community; and because we know not, where or how such may end; every body ought to Endeavour to suppress them. But the meathod we take to preserve Peace and administer Justice in the present affair, only tends to inflame the minds of People and begets a Civil War, and tho' the Manner of killing those Indians appears dasterdly and savage, yet upon a Recollection of the following facts, I think the Horror of the Crime will be much extenuated.

1st That the Government upon the Commencement of this War did not afford to the people that succour and protection that was due to them & their condition then required, is well known.

2^d That in consequence of this default of the Government many families were drove from Competancy, to the greatest degree of want & misery, and that hundreds had fallen sacrifices to the Cruelty of the unprovoked Savages is a melancholly truth

3^d That the Government tho' affectedly and ostenta-

tiously Charitable, & tho' very sensible of the number of Widows, orphans and helpless Families now naked and starving thro the Country, who were drove from their Plantations By the Indians; have not given them the least Releaf, is a fact that stains their Humanity, and that the poor Sufferers can testify. —

4th That a number of Voluntiers frequently had gone out against the Indians, without fee or Reward from the Government, and return'd with scalps; yet instead of meeting with the Countenance and Encouragement of the Government, they were discouraged, nay abused for asking a Premium for the scalps they produced. This is too well known. —

5th That the Indians residing amongst the Moravians have killed some of the Inhabitants of North Hampton could be presumptively proved, and that they had supplyd the Enemy Indians with amunition, was fully proved, yet those Indians were brought down 155 in number and placed on the province Island, there tenderly fed and cloathed at the publicks expense whilst the poor Creatures that were drove from their habitations by those and other Indians have not felt the lest spark of the Governments Charity or Compassion, tho in a most deplorable Condition for the want of the necessaries of Life. This is also a fact not to be denied. I leave to you Sir to infer from those truly stated facts, as you please, which when done, I dare say will lessen in your eyes, the crime of the Paxton Voluntiers. I shall only say, that the Government failing to give the people that protection, they were bound to do; the compact between them, is broke; and that the people are then by the Laws of Nature oblig'd to preserve themselves; and that the most effectual way of doing this, is to kill those Barbarians wherever they meet them. You'll say perhaps the Paxton Volunteers ought instead of killing those Indians, to avenge themselves of them in a Judiciary way, I answer, that to expect this were in vain;

because they saw the Moravian Indians, whose villenies & treachery to the people on the frontiers of North Hampton, were more notorious than that of the Conastoga Indians, to the Inhabitants of Lancaster County, yet they were thro the influence of the Q. M^r cherished and supported by the Government. M^r Dow is now in town and declares that one of those very Indians which I. — P. — hugs in his Bosom, was at Bouquet's Action, in armes against us. Is not this intollerable. —

Our assembly is now sitting, what they are doing, I cannot tell you; but that a Bill is preparing to enact a Law, that who ever may kill an Indian hereafter, shall be brought down to Philad^a County, Bucks or Chester; to be tried and if they are Ierish [Irish] hang them right or wrong. This is pretty well from a people remarkably tenacious of their Liberties. M^r Allen's absence is now much regretted.

When the Indians were killed at Lancaster, those that were fattening on the Island, the Quakers apprehended, were in danger from the Paxton People; and thereupon got them into Boats with a number of sailors & cannon to defend them, & put armes into their hands, desiring them to defend themselves, that the Irish were coming down to kill them. I.—P.— was Generalissimo on this ocasion. They afterwards thought to send them thro' York Government, to their Brethren in the woods. But the Yorkers would not suffer them to pass thro that Government, so they are obliged to Return and are now quartered on the friends thro' the Country. I have tired you with this subject so shall desist. —

Yours &c &c

COLDEN TO MONCKTON.

NEW YORK, January 21st 1764.

SIR,

Captⁿ Hawker of the Sardine sloop of War made a seizure of a Ship & Cargo, & came to inform me of what he had don. At the same time he told me, that he intended to claim one half for officers & Crew. I answered him that by the statute by which the ship & Cargo are forfeited, one third is given to the Governor, & that I could not consent to give up the Rights of the Governor, that no part or clause of the statute by which only the ship & cargo is forfeited is repealed by the late statute under which he claims a moyety. However, that without giving myself any trouble, I must leave the matter to the Court in which the vessel shall be condemned.

Not satisfied with this, Captⁿ Hawker went to the Attorney-General & M^r Smith Jun^r for their opinion, which they gave in writing, a Copy of which I inclose. This not being favourable to Cap^t Hawkers pretensions, I suppose that he informed Admiral Lord Colville of it, who on that occasion wrote a warm letter to the Judge of the Admiralty, which either intimidated or made him so cautious, that he did not as usually decree one third of the forfeiture to the King, one third to the Governor, & the remaining third to the Prosecutor, but in general terms *To His Majesty & such persons as are intituled to the same, pursuant to the several Statutes, in such cases provided, tho' the vessel & cargo could not otherwise be forfeited than by the Statutes which give one third to the Governor.*

In consequence of this Sentence I am informed the money ariseing from the Sale of the Forfeitures is to be lodged in the Collector's hands, who it is said, will retain

the same, untill he shall receive direction from his Superiors for the Distribution of it.

As this matter concerns you Sir, & future Governors more than it can do me, during the short time I expect to hold the Administration, I think it my Duty to inform you of it, that you may take such care of your own Interest & of the Governors of this Province as you shall think proper. I shall only take the liberty to observe, that as the Governor is sworn to observe the Laws of Trade, & has a large body of directions on that head, this care gives him more trouble than any other part of his administration. I presume, His Majesty does not intend to deprive his Governor of any reward for this service which the Law gives him. Notwithstanding that the Governor retains a third of the forfeiture given by law the Captⁿ Officers & crew of his Majestyes ships may receive one Moyety out of the two thirds to the King & the Prosecutor, if his Majesty shall please to order it so

I am with great respect

Sir

Your most obedient &
most humble servant

CADWALLADER COLDEN.

Major General
honourable ROBERT MONCKTON.

P.S. I am informed that in a Similar case the Judge of the Admiralty at Boston, has lately decreed one third of the forfeiture to the King, one third to the Governor & the remaining third to the Prosecutor.

WATTS TO MONCKTON.

NEW YORK 21st Jany. 1764.

DEAR SIR,

Your favor of 10th Nov^r has at last given me the satisfaction of hearing from you by the Harriet packet, the Halifax that was to follow 26th is not arriv'd tho' the weather is the finest in the World, perfect Spring. We wish the expected packet in, more particularly to know what complexion this animated session of Parliament is to wear, political painters differ so much in their representations that nothing but the life will do —

Mr. A's friends report that his Mandamus was on board the shipwreck'd packet, he talks himself of settling in England soon, & says it is not worth his while to qualify. — Mr. Chambers I believe must soon make another vacancy these old Dons seem to be but a dead weight at best, they may serve in that sense as drags do to a kite to keep it steady & from flying too high.

The five members of Council meant I am sure no prejudice to his Majesty's interest but the old gentleman affects much in appearing very profound at home, grant him that indulgence & one other, of *granting lands* & you have the man — The case from the beginning as I understand is simply this, eternal quarrels subsisted between the borderers in which several lives were lost, Commissioners were appointed by the different governments to settle a line of Jurisdiction or Peace to prevent the effusion of more blood, I was one of them myself, but we could agree upon nothing their demands were so high. We argu'd for Connecticut River, they for the South Sea, think how we were to meet — afterwards when the quotas of the Colonies were settled in a grand Congress at Albany, the thing was then more

solemnly treated than ever, tho' to as little purpose, they would not allow us even the twenty miles so far from extending to Connecticut River, the Board of Trade then took it in hand & recommended it to the King in Council for the present quiet & good government of the respective Colonies to settle the line of Jurisdiction twenty miles from Hudson's River there it has rested ever since & there the Council took it up to preserve peace & good order, not to determine property, if this be wrong, they are wrong and the old casuist right — I must observe before I leave the tedious tale that from whatever we could collect of their statements at home, tho' they meant to give us the extent of twenty miles, the words did not comprehend it supposing the River to run due North & South they divided a due East line perpendicular to the River, but its course is North inclining to the East, by which a due East line does not intersect it at right angles & reduces the difference to something better than eighteen miles — So much for Boundaries & Rivers —

I have told you that I had rec^d your salary from 1st to 25th June £136 19 7 & from thence to 1st Sept^r am^{tg} £181 10 2 $\frac{1}{4}$. Nothing else yet, the Custom House folks have promis'd to settle & pay me your part of the seizure soon. The Gardener at Greenwich has had £25, half a year's salary, Deale thinks he is an idle dog — You seemed to be doubtful when you left us about my remitting such sums of money as came into my hands, if I am to do it regularly, it shall not by any means be neglected. — When the Cumberland packet sail'd I was out of town or you should not have been loaded with the postage of a bundle of insignificant papers — a Cap^t Grant of the 77th has 'em this Trip.

The N. E. Governments seem to sneer at Gen G^r requisition & grant no men, but his Majesty's has since gone, what they will do with that is not known, they confess the cup to be bitter (meaning the Indian War) but add they

were for a long time oblig'd to drink of it unassisted & alone, a Peace at last will I believe be the thing & the terrible insults & injuries we have receiv'd be quietly pocketted —

I always am —

D^r S^r

Y^r Most faithful
& Humb^l Serv^t

JN^o. WATTS.

This minute I rec^d Maj. Gates fa^r of 10th Oct^r with the papers for which I pray you'd return him a thousand thanks — The packet being on the point of sailing & my hands overloaded I sent the letters to Napier to answer, but his reply to me was unanswerable by G— however I don't think so & if I have a moment left it shall be devoted to his service, if not I acknowledge my self his debtor till the next conveyance.

SAME TO SAME.

NEW YORK, 11th March 1764.

DEAR SIR,

My last were by Aberdeen, the General's Steward, he had the papers, &c. & so had M^r Gibson, M^r Allen's relation who followed in the Halifax Packet. Lieut. Hogarth of the 77th I propose to entrust them to in this Packet, tho' I can't say the trust is very great considering the matter they are composed of —

M^r Colden has paid me £225. the half of a quarter's salary from 1st Sept^r to 1st Dec^r I don't remember to have either receiv'd or paid any thing else on your account, the Custom House have not yet paid me your proportion of the

seizure, nor the old man for the Chariot, he seems to be rather long winded, shall I give him a jog, the other gentry I shan't hesitate about at all. Bunyan says when he settles the amount of perquisites he will pay me your moiety — the Wine and Silver Urn are safe hitherto from all accidents. Greenwich stands still empty as it did, people wish you would fill it again, I observ'd before to you that Gen. Gage would like to have it, till either you arriv'd or relinquish'd it.

The Merchants send you a copy of their memorial on Trade tho' I believe it will come a day after the fair from what Mr. Allen writes me, 'Tis long and I think rather labored but has a tolerable share of matter in it that might have been or possibly may yet be of use, a copy goes recommended by his Honor & the Council, to the Board of Trade & now I mention His Honor & the Council, least you sho'd hear it improperly represented, I believe it may not be amiss to let you know, that they seem to have given their neighbors of Philadelphia some umbrage, how justly you shall judge. They had voted a thousand men, but disputed as usual about the mode of raising the money, by which the service stops. Therefore wanting men to protect about a hundred and forty Indians of all ages, sizes & sexes they have among them, from the Paxton Volunteers as they are called, who had already kill'd some at Lancaster; both to get rid of the expense of maintenance & to avoid the imputation, that must naturally fall upon such a feeble disjointed Government if the Indians sho'd be murder'd, they had the conscience to propose to let them loose upon our shoulders, provok'd & irritated as they were, by sending them through this Province up to Albany to get upon the Susquehanna from whence they would cut every body's throat that fell in their way — they had proceeded as far as Amboy before the Government was informed of it, but the moment it got the notice they were forbid a passage & oblig'd to return not to the (Province) Island from

whence they came, but to the barracks, for the greater security. We cou'd not comprehend that because the Government of Pennsylvania would not do their duty, that we were to have a parcel of irritated savages, at present in our power, turned loose upon our Borders to destroy the innocent and defenceless settlers — If murders must be committed let them fall on those who deserve it, the Quakers or Indians or rioters or any body but the innocent peasant, who is guilty of no iniquity, nor concerned in any party to prevent the public good — I have mention'd all this to Mr. Allen I have wrote him — Franklin has wrote a pamphlet against the Paxton people & towards the conclusion gives this Colony a stroke for not permitting the Indians a passage, but unluckily a few lines further, as an argument against the rioters confesses the very reasons that govern'd us viz: that it was infinitely better maintaining them at some small expense than let them loose to cut our throats on the Frontiers.

Upon Gen^l Gage's succession to the command he permitted S^r Will. Johnson to accept of the Indians offers of services in consequence of which several parties were fitted out against the Delewares & Shawanese, a day or two ago, the Lieut. Governor receiv'd a letter from him of which the enclos'd is a Copy, there is also added the copy of a paragraph from Major Hogan, as the one throws a light upon the other — If the Five Nations are in earnest these vermin will be soon either quieted or eradicated — at Pittsburg they have renew'd hostilities & killed one man out of a dozen of a wood cutting party near the Fort. If Philadelphia continues in dissensions & raises no men the Frontiers may smart most terribly & that will certainly drive the Paxtoneers to commit farther violences, perhaps in some striking instances too, the answer of the Quakers to their remonstrance is esteemed false & evasive. Peters is like to die at Philadelphia. Mr. Chambers will hardly outlive the month here I believe, no great loss is either to the world.

Coll^s Robertson & Mallet are return'd, 'tis but a very indifferent country they have been visiting, particularly the Spanish part of it, they seem to be well rid of a formidable expense, without one earthly benefit attending it, the Indians will be extremely difficult to manage & must be very expensive if we keep well with them. — I have not been favored with any letters from you since the 10th Nov^r — The January packet not arriv'd tho' a report prevails that she is below — By one Capt. Fell I receiv'd a Bill of Lading for a keg at large, who it was for I did not know, but order'd it at a venture to be open'd, the contents were above the skill of my people, they judg'd Salmon had been in it, but nothing but pickle and some lumps like bits of fish remain'd — I sent Deale his letter — My compliments to S^r Harry, M^r Porter Gates & all friends — Coll^o Barre I find has fallen as fast as he rose, Dame Fortune is sometimes very capricious, still we woo her — Will they never have done with Wilks & think of the public good.

I always am with great truth

D^r S^r

Y^r Faithful Humb^l Serv^t

J^{no} WATTS.

Nothing transpires of Offices here, Elliot is said to be Collector, M^r Read I believe thinks it long, as from age his days are like to be short. Morris has left a will, tho' an old one, and a handsome estate to his natural son and daughter of eight or ten thousand pounds a piece they compute.

The Hon^{ble} Gen. MONCKTON.

SAME TO SAME.

NEW YORK 14th April 1764.

DEAR SIR,

I am very much oblig'd with your favor of 9th Feb^y by this Packet, it was pretty long a coming but it made ample amends when it did come.

I thought our Committee of Correspondence would have wrote very copiously to the agent by this conveyance, but as the Assembly meets on Tuesday they chose to have their opinion & weight go along with it & therefore have only wrote in general terms — The forbidding Paper money to be a legal tender would in my opinion take away what little energy it has & subject every Debtor with a real estate to the mercy of his creditor. Not having a legal tender to unburthen himself, the creditor must command his estates upon his own terms — to suppose we can keep either silver or gold in the Colonies while our Mother Country will trust us both for necessaries & for luxuries is entirely ideal & destroying the intercourse between the Mother & her offspring may be very injurious to both — that it has had no ill effect in N. England, I mean destroying the tender of paper money, cannot be allow'd, M^r Johnson of Connecticut one of the first men there, says he has known it taken in execution & sold at outcry to the great grievance of Debtor, who had money that would neither save his person from a gaol nor his property from his Creditor. Limiting a certain sum may do if the Government at home never again intend to call upon the Colonies for assistance, for it would be an excellent pretence for doing nothing, and evidently cuts off all resources from, Paper Money being the only means of an immediate exertion. But why would they punish the Colonies indiscriminately, parents seldom do so, good ones at least, with their

children, We have been faithful to our trust, in sixty seven all our emissions will be sunk, except about forty thousand pounds emitted on loan for the support of Government continued from year to year more at the instance of the Government itself than at the request of the people. — We sink forty thousand pounds a year which makes the tax very heavy for a new country, it falls near four shillings in the pound on houses in the city — Virginia money has fallen a little. And what then, has not war evil effects all the world over? see the stocks and credits at home where thousands of innocents suffer under faith or having faith in Government more, than a few pedlars do trading to Virginia, that makes such a mighty disturbance as to shake all the mother colonies. The loss on Virginia paper was honestly acquir'd by the Governments exerting itself in the common cause. Had it look'd on tamely as Maryland did like an unnatural offspring, it had not been blam'd, perhaps commended. Maryland is happy because it has been disobedient and neglect'd her duty — When the Assembly meets, they will be more explicit, & either the Committee or myself will send you a copy of their letters to the Agent — they are call'd together upon account of the troops they have in pay — the Provision for the three hundred on the Western Frontier paid and fed by the Colony expires 1st May, so does the one hundred & seventy continu'd by advice of Council. The three hundred exclusive of officers last rais'd for the service under Gen^l Gage are provided for till November. Connecticut has at last voted two hundred men, Jersey between three & four hundred, all to the Southward a clear blank — [At] Philad^a [they] are still quarrelling sadly, you have inclos'd the paper that contains the pith of their controversy, the Assembly appears to be indisputably in the right. We to lose Napier in five or six days with Davis, he will furnish you with some more of their pamphleteering —

I am glad they have laid aside the thought of repealing

the Act for dividing the great Patents, the alarm came from the agent himself.

I sent you before the intelligence of 41 Indians being taken fourteen of 'em are here kept quietly in prison upon good hard meat, better than ever they had. S^r John Sinclair has your papers, you will see by them another small party fell in with the enemy, scalp'd one, took three prisoners, three escap'd. S^r William likes this as its drawing of blood, tho' not a great deal, he says to me of 29th ult. "Yesterday my son set out with a party of 110 Indians & some white men to be join'd by as many more of the former, so that I shall be able effectually to beat up our enemy's quarters — There are here (meaning his house) above four hundred Indians at present & among them several Deputies from the Chenusies & other Seneca's who have made offers of peace & friendship which will not be accepted but on terms of concession advantageous to our future security & such as will leave on their minds a deep sense of the ill consequences which must attend their making War on the English" —

It gave your friends a very sincere concern to hear of your indisposition, as a perfect recovery did as sincere a pleasure — for my own part I am really sorry to see from your letters the time so melancholly — Neither virtue regarded nor vice punish'd but as it is convenient to Party, it is much to be hoped this distemper may abate, or a confirmed madness may succeed.

Among the other papers enclos'd you will observe Billy Smith's account of M^r Pocklington's case which is a very sensible one, and Doctor Bard's, who was the chief manager of the late sale & was very glad to bring it about as a beneficial one — My advice would be to sell for the most it would fetch, for there never was a title I believe involv'd in more perplexities —

Leary has got the horse but when he will pay for him God knows. You must come over & take it out in his way.

The woman has played the Devil at Greenwich & run away, they say she went over with Aberdeen, I cannot have a good opinion of the Gardiner suffering it without complaining — Enclos'd is his account of the matter as it now stands, I could have wish'd you had said something about the house.

The Lieut I believe will do right, the Custom House has paid me your third — £124. 1. 1 pr acc^t enclos'd — I gave Dad. H— a jog to-day, what effect it has we shall soon see.

If Jarvis finishes the Coat in time I will send it by Napier he says he could not work at it in the Winter — I deliver'd your message to M^r Lot. Your friends are all tolerably well. M^r Chambers quite cured, we buried him yesterday, now or never for M^r Read surely & M^r Apthorp I hear has got an exemplification of his mandamus come over, the original being lost —

In settling with the Scotts men for their land, there was as usual much honor & sweet blood but mickle siller, so all hands were content to take their obligation. Yours is in my possession as half Governor amounting £293. 15. Currency which I take to be very safe — I owe Major Spital £5. 12. 10 this Currency which I beg you will pay him if you see him with my hearty compliments — Be so good as to remember me to Major Gates too & tell him we are sending Napier over to give him a fill of American Anecdotes, by Napier I will write to him again —

And now my dear Sir if you can comprehend what I have been writing I shall be happy, the day light & my eyes are failing together I must bid you Adieu & with my unfeign'd regards to the family subscribe myself always

D^r S^r

Y^r Most faithful Humb^l Serv^t

JN^o WATTS.

I shall write to S^r Harry, Seton Collo. Amherst & Collo. Barre by our departing friends, o the shop how we shall miss it —

SAME TO SAME.

NEW YORK, 20th April 1764.

DEAR SIR,

I wrote you a lamentable long letter by the Packet 14th inst. & now shall endeavor to make amends. Our friend Napier has your Papers & some other of the trifling scribblings of Philadelphia.

You will have heard S^r William Johnson has concluded a peace with the Chenusies & other Senecas upon terms called advantageous if to be depended on. They cede the free navigation of the Lakes without molestation, the Portage from Niagara to Lake Erie on both sides the Straights, deliver up the two murderers of M^r Michal an Irishman that began the War, take the hatchet against the De Lawarrs & Shawnese & give three chiefs as hostages for the performance of these articles.

Mr. Apthorp's copy of his mandamus is come over certified by one Larpent that [is] in Lord Halifax's office. The old Gentleman took the opinion of Council upon admitting him. All but old Smith thought there could be no room to suspect an imposition from a gentleman of M^r Apthorp's character & therefore as the Council wanted members was for his admission, especially as it could be attended with no dangerous or hurtful consequences; but the old man is confoundedly wary, boggles much, is afraid of burning his fingers & I believe will not admit him, the Council trouble their heads very little about it as it rests at present.

Jarvis will have the Beaver Coat finished in ten days or a fortnight, have patience with me a very little longer & I will form a state of your acc^t & make a further remittance unless you countermand it — Napier will inform you of every thing, my loss in him is irreparable, but time and

vicissitudes have made a piece of a philosopher of me —
My respects to your family & all friends & still believe me
always

D^r Sir.

Y^r Most Faithful &

obl^d Humb^l Serv^t

JN^o WATTS.

The Honb^l Gen MONCKTON.

SAME TO SAME.

NEW YORK 24th May 1764—

DEAR SIR,

I wrote you by Jacobson a few days ago & sent the
Beaver Coat fabricated by Jarvis.

I come now to perform my engagement of sending your
acc^t which is enclos'd & still leaves a balance of £71. 3.
8. in your favor after charging the four sets of Bills now
transmitted, all drawn by James Parker on Arnold Nesbitt,
dated 2^d 6th 7th 8th inst. for £100. £100. £200. & £100.
sterling at thirty days sight & 82½ ¤ ct. exchange am^t to
£912. 10. — Currency — these are among the few Bills that
have sold at this Exchange and I believe will be among
the last.

The Detachment under Major Loftus destined to Fort
Chartres on the Mississippi are return'd to Mobile or New
Orleans I forgot which, nor does it matter much — About
seventy or eighty leagues on their way, they were fired
upon by the Indians & lost six men, this probably, with
fatigue & some other unpalatable circumstances, fac'd em
about — They were its said three & twenty days going
this distance, what then must have been their Journey to
the Illinois which is call'd four hundred leagues — This

country will very likely in process of time be found most accessible through some good river that heads near a branch of the Ohio & falls into the Atlantic.

The Philadelphia Assembly some letters tell us have wisely determin'd for the public service to give up the point of taxation they were contending & will by raising the thousand men formerly voted, enable Coll^o Bouquet to act offensively, he had leave (& intentions too I imagine) to go home, but this change of measures so much for the better and so unexpected will require his service another campaign — the side that gave their point up for the public good I always thought had the most merit & wondered how either could hesitate a moment about it — But party rage is a sad fury.

The Connecticut men, never in a hurry, are now passing by water to join Coll^o Bradstreet, who is still himself at Albany — All the other troops have been up some time — Every thing is quiet at the Detroit & Niagara.

With my hearty regards to all friends I remain

Dear Sir.

Y^r Most Aff^t Humb^l Serv^t

JN^o WATTS.

I give Cap^t Bayard your Papers.

The Honb^l Gen MONCKTON —

SAME TO SAME.

NEW YORK 11th June 1764

DEAR SIR,

Since I wrote you 24th ult by Harriot Packet, I am favored with yours of 11th & 13th April by the Halifax, the first delivered me by M^r Hassenclover whom we have initiated into our Sod & shall make a good American enough, if talk will do, upon the treatment the Colonies

have received and are like to receive from their kind Mother, he says they have quite mistook the matter & that their laws will in the end operate more against themselves than against us. May God of His infinite mercy grant it.

Was I to have been simply govern'd by Major Campbell's written exhibitions against you I should have thought our Governor stood a chance of being exalted indeed, but your indifference & the informations of my other friends, have given me great confidence in his safety & innocence, but after all 'tis an infernal way of treating a man of character. I can't see thro' it for my life. Your old World is too mysterious for us short sighted inhabitants of the new.

Leary has won a bowl in truth & I asked for it gravely in your name but he laugh'd at me. I own I would compound to resign the cup, if he would but pay for the horse, which I believe will be long enough first, unless as I before said, you come over & take it out in his way, which every body wishes you would do, we will club for the bowl.

Enclos'd are the second Bills for £500 St^g the originals of which were in my last — I have not rec'd any money since on your acc^t nor paid any that I recollect. The Warrants were sign'd the day before yesterday for another quarter and MCreedy qualified after all his disappointments My Compliments to S^r Harry Seaton. I thank him for the Claret, 'tis just arriv'd —

Bradstreet has left Albany on his expedition Coll^o Bouquet its said will have above sixteen hundred men under his command & goes down the Ohio with the greatest part of them, this must be against the Shawnese if true —

My regards to all friends & believe

D^r S^r

Y^r most Aff^l Humb^l Serv^t

JN^o WATTS.

The old gentleman has not paid for the Chariot, I sent him a card that I was sending your acc^t & desir'd to know

what I must say about it. He enquir'd very obligingly of your health, but no cash, he really whisper'd he did not happen to have so much in the house.

I believe I shall send you no Papers, not a passenger goes in the Packet, the Captain says he dare not take them over open & Postage they are not worth.

Honb! Gen. MONCKTON.

SAME TO SAME.

NEW YORK, 30th June 1764

DEAR SIR,

I wrote you every thing I could recollect 11th Inst. by the Halifax Packet — With this you will receive the third bills for £500 — Sterling drawn by Parker on Nesbitt, the chances are great they will not be wanted, but 'tis a Merchantman carries 'em & the expenses small — To Mr. Myers who goes with his family home by the same opportunity I shall recommend your Papers, the Packet I told you could carry none.

The old Gentleman call'd upon me the other day & paid for the Chariot £60. with many hearty wishes for your return, a good deal I am sensible out of regard to you, but a little too out of disregard to his old antagonist, as a cordial antipathy has long subsisted between them, which even the grimaces of old age can't smother — I believe it wont be long before the Bench will require another appointment, between him and your favorite Presbyterian Judge who declines fast too & never at best was worth any thing — Never poor Colony was worse provided for in general — nor do I see any probability of an amendment. The salaries as they are will not tempt an able Lawyer to leave his practice & if they should be rais'd some scurvy

fellow its son to one like Jones, would be cram'd upon the Colony, because his Patron did not know what else to do with him.

Since Paper Money makes such a needless racket, I should be glad to know what is the Lord's of Trades opinion about the £40.000 — emitted on Loan, for the support of Government & has been continued from year to year this long time as a useful fund in the Treasury, not to be dispos'd of but by an Act of the Legislature. As we sink about forty thousand pounds a year by tax on real and personal estates all our Paper Money will be at an end in sixty seven, unless this useful emission sho'd be continu'd as it hitherto has been, which I think would be very proper, if any Paper Money is at all to be permitted. However that is as our superiors please. For my own part if no directions are transmitted for our Government, I believe I shall vote according to conscience & venture my honor & glory, in a matter I conceive for the good of the public in general, without any inconvenience whatever attending it.

July 3^d The Packet arriv'd three days ago & tho' I have not a line from one of my friends I have the pleasure of seeing the honorable sentence of your Court Martial in the Papers which tho' not unexpected, is vastly heighten'd by being so strongly drawn. I think Secretary of W— don't shine in it & so much the better, Providence often works good out of evil.

No business of Government is going on, but the common routine the old gentleman resides entirely in the Country & begins I believe to imagine he shall spend all his days in office.

I am with great truth

D^r: S^r: Y^r: most Aff^t: Humb^l: Serv^t:

JN^o WATTS.

My regards to all friends.

The Hon^l: Gen^l: MONCKTON.

SAME TO SAME.

NEW YORK, 11th Aug^r 1764.

DEAR SIR,

My last were by the ship York, Capt. Barton of 30th June & July 3^d I am still without any of your favors but my good old friend tells me you are well which I am glad to hear. Another correspondent says it is reported you have directions to repair to or quit the Government. The first of these we should all like, but 'tis probable the old Gentleman would like neither as equally fatal to his reign. He resides entirely in the Country, but at the instance of some of the members, who are incens'd at what has been done & is like to be done at home, as well as (unreasonably I think) with their Agent for speaking too much truth to them, he is to meet the Assembly on the 4th Sept^r next. Nothing else that I can recollect is doing or to be done, if I have forgot the papers will tell you, Coll^o Goodwin has them.

I have receiv'd from his Honor another moiety of a quarters salary ending 1st June, he tells me the seizures are given in favor of the Governors— My sincere compliments to M^r Porter, S^r Harry, Gates & all friends, I write Napier & remain always

D^r S^rY^r Most Aff^r Humb^l Serv^tJN^o WATTS.

If the Gov^t at home dont settle the Boundaries of this Colony & New Hampshire soon we shall have rare work, four people are in Jail at Albany now belonging to that Colony for driving off settlers of thirty years standing at Hosuck & seizing their cattle — What is this same new Lord doing, can he stir about nothing but harmless Paper

Money — New England men are a great deal worse — Mr. Allen not arriv'd nor Elliot. Tell Coll^o. Amherst we have passed a vote against his doing duty in the Guards as illegal, dishonorable, & prejudicial to his Maj^y. Services & of ill example.

SAME TO SAME.

NEW YORK, 22^d Sept. 1764.

DEAR SIR,

On the 11th ult. I did myself the pleasure of paying you my respects by the Hide Packet — I am since favored with yours of 14th July p^r the Harriot Packet, but prior to the Receipt of it I had paid a visit to our friend Allen & got some leaves out of his political volume, among the rest the attempt his Lordship made upon you which I was glad to find you had parry'd so well, but I dont find either from your letter or from Collo. Vaughan the same encouragement of your coming over again to the Government, that I got out of our friend's budget. He seem'd to be thoroughly convinc'd of it, as indeed he generally adopts with great zeal any circumstances he likes & wishes to happen. The old gentleman here took lately high pet at the Assembly's address, which it must be own'd was rather ill digested — Both address and answer you will see in the Journal of the House. Had not the Council interpos'd the breach would have run much higher & probably a dissolution follow'd, which they were of opinion would only have added fuel to fire, in the uneasy temper of mind the Province is. His answer soften'd as it was, they think severe enough & I believe will make reprisals when an opportunity offers.

I have receiv'd no money on your Acc^t since my last. When another payment is made which probably must be soon, the balance I have in my hands shall be remitted —

I thank you for paying Coll^o Spital my debt & heartily congratulate him on his promotion, I was going to say may he long enjoy it, but I don't know whether it would be grateful to keep a man down that chooses to be climbing.

Yr. friends are all well & remember you with the greatest respect.

The Major & his brother have lately suffered by the French which I am desir'd to mention to you & to beg you would countenance Mr. Charles if it be necessary, to whom they have sent their proofs, &c. I cannot doubt but their vessel & cargo was taken very unjustly, as they have declar'd it on oath & it certainly would be wise to nip these freedoms in the bud, lest a repetition should forcibly bring on a rupture as it did heretofore with the Spaniard — Men will complain when they are injur'd & numbers must be heard — These restless people have lately by force dispossess'd us of Turks Island too, the greatest resources the Colonies have for salt, without the least ceremony, after being in possession of them they tell me half a century & more — These are notable instances of a cordial affectionate Peace.

My compliments to S^r Harry Seton. I rec^d & would answer his kind letter by Collo. Vaughan, but by the tenor of it am doubtful whether mine would find him at home — The Colonel no doubt informs you that he embarks tomorrow for Niagara, & both tells you & will tell you what Indian news there is — Coll^o Bradstreet has been treating at Presq' Isle, but I believe his conduct is not approv'd of at H — Q^{rs}. Bouquet goes on, so do the savages scalping & butchering poor innocent defenceless people — The more we experience their vile warfare, the more perplex'd & burdensome we find it, the enemy are by land what the Algerines are at sea, a kind of people that must be paid not to rob & cut your throat.

gave me your

letter with his note, times are so dull I was oblig'd to lend him money to pay his freight. He is going he tells me

with Coll^o Vaughan, Suttler to your & his Reg^t — He says he will come & secure your debt before he goes, I shall refuse no money he offers, nor neglect any mild steps to secure the debt — I hope he is honest & I imagine all will be well. I write to Napier, my regards to all the family & believe me with great truth,

D^r S^r

Y^r. faithful & Ob^t Serv^t.

JN^o. WATTS.

Pray remember me to M^r Boone, I owe him a letter which I really did not advert to till it is too late.

CHIEF JUSTICE ALLEN TO GENERAL MONCKTON.

PHILA. Sep^r 26th 1764.

DEAR SIR,

The bearer, M^r Phillip Livingston, has desired me to introduce him by Letter to you — I beg leave therefore to say that he was an intimate acquaintance of my sons, while he, and two of them, were at the Temple, and was constantly our fellow Traveler to the different publick places I and my family visited while we were in England — and since that time we have had frequently a mutual intercourse both here and at New York.

He very deservedly has, from all who have the pleasure of his acquaintance, the character of an agreeable and worthy, Honest man, and as such I beg leave to recomend him to your countenance, favor, and friendship ; And shall esteem myself very particularly oblided to you for any acts of kindness, and civility you shall be pleased to favor him with.

He held the offices of Surrogate and private Secretary to

the late Sir Henry Moor, who, just before his death, spoke of him to me in the most favorable terms with regard to his abilitys and integrity. From these offices he was removed by Mr. Colden, the next day after Sir Henry died, notwithstanding a positive promise from M^r. Colden that he should continue, except his own son should incline to accept the offices — I depend on your goodness to excuse this freedom in, Dear Sir,

Your very Affectionate friend &
most obedient Humble Servant

WILL. ALLEN.

To General MONCKTON.

WATTS TO MONCKTON.

NEW YORK, 11th Oct^r 1764.

DEAR SIR,

If Offices are as harmless as the sea I may venture to refer you to my last of 22^d Sept^r by the Harriot packet — I have acknowledged your favor by ——— who is since gone with Coll^o. Vaughan, but in so much hurry that he has not done any thing towards the discharge of your debt, still I hope & believe he will do it soon, as he would never forfeit your friendship, nor put himself under the Colonel's patronage if he meant otherwise knowing your connections — He has carried William Adams tells me a considerable adventure with him. Some goods he sold here & said he would order the money into my hands when due.

I am now to thank you for your favor of 24th July. His L — took unwearied pains indeed to make a G — vacant, its pity he would not take as much to mend a bad H — but don't let friendship excite me to speak treason — Gen^l Gage will order the clothing to be delivered to me, but

they will sell for little or nothing, however we will at least attempt a sale. Montgomery's went so low as 7s 6d curr^y. a Coat — Could you not find some old stingy Colonel who owns a Regiment in America that would disguise his men with them to save half a crown a head, this would do nicely and what signifies the color of a Lappel in a wood — green is the most natural of any.

Major Gorham, is one of the Commissioners sure enough for settling our boundaries nor one of the worst neither. When such a distant scatter'd tribe will assembly together God knows — No body hears from S^r James, the sooner the order comes the better for the land, they are granting away so lavishly at home that in order to make room N. Hampshire is it seems to be shov'd back to Connecticut River, The old gentleman plumes himself much upon this as owing to his information & discernment. He may probably upon this encouragement take a touch at the Massachusetts too, but then he will have a tougher bone to pick, a charter is stubborn, not an acre of land has been granted but to reduc'd officers since his Majesty's proclamation & many of them cannot find a spot free from Indians or patentees claim. N. Hampshire must bring em up.

Gov. Gage will no doubt let you know his resolutions about Greenwich. Oliver wants it much for his friend David Johnson when you have done with it. I have lately rec^d no money on your acc^t nor paid any but the Gardiners quarter, & to the Printer 36s — Davis has the two hats they cost £5 13 — The Madeira softens of course but not half so much as it would have done had you not tinn'd it up so securely.

Now Mr. A. has got his mandamus he will not qualify, as he says he is going home soon. We cannot make a council of five to pass laws & the Assembly setting. The old Judge Oliver, Mr. Reade & myself the only members in town. If they continue to appoint as they have done,

the public business must stand still. What can Mr. Clark keep his seat for.

My regards to all friends & believe me ever

D^r S^r

Y^r Most Aff^t Humb^l Serv^t

J^{no} WATTS.

One of the several officers going in this ship shall have your papers in charge.

The Honb^l Gen. MONCKTON.

SAME TO SAME.

NEW YORK, 6th Nov. 1764.

DEAR SIR,

I did myself the pleasure to write to you by Davis 11th Oct. & deliver'd your Papers, &c. to Maj^r Duncan.

I have heard nothing from Pollard since he left this place, you must have a little patience with him I believe, Coll^o Vaughan was by the last intelligence on his way from Oswego to Niagara, under whose wings he is gone.

Gen. Gage has not yet order'd the clothing into my custody.

Mr. Apthorp has qualified & M^r Surveyor Gen^l of the Customs too who is of course appointed a supernumerary member, but we are like to have a disagreeable job proceeding from the old L^{ts} thirst of wrangling & the folly of his family & Irish connection together— The Jury brought in fifteen hundred pounds damages for Forsy against Cunningham, you know the case for pursuing & stabbing him naked, Five hundred pounds real damage

Forsy proved, so the smart money is but a thousand curr^y this the knot think exorbitant & have upon an old instruction the 32^d I think, countenanc'd by the L^t G^r appeal'd to the Gov^t & Council to try the cause De Novo & thence if they don't like their decision to appeal to King in Council, an instance never known before & so unconstitutional that not one lawyer not even their own would draw the writ of appeal. They were forc'd to have recourse to old Nicolls & one Coghill Knapp a transport. If the appeal had been by writ of error there are precedents in abundance, but to have facts taken out of hands of a Supreme Court & a Jury & from them transferr'd, first to the Council here then home, the lawyers say, is so absolutely unconstitutional that I begin to apprehend we don't construe the meaning of the instruction right — They argue if a verdict at Court by the subjects peers is to be over rul'd when there is neither error, nor what they call matter of equity in it, what use is there of Court or Jury at all? They are a mere matter of empty form. What ever be right I wish the old fellow dam'd & the Knot too, before they brought such a critical thing into dispute in these sore times, when it could easily have been avoided & when there never was a precedent of it before, since the Colony was settled, but like Satan he would damn himself & his posterity to appear great, which he thinks such controversies make him, having an unbounded opinion of his own parts & being on the side of prerogative for which he would sink all America right or wrong.

I am now to thank you for your favor by Lady Susan who has brought her pigs to a fine market to be sure & he seems to be no less out of his way than she is, a poor devil marrying above himself without independency is a toad under a harrow, when before he might have ap'd Caesar himself, had a merry light heart, & have got six or seven hundred a year by it, independent as a prince — Nothing could be more romantic than this heterogeneous match,

except the manner they are dispos'd of to settle lands, the Lord knows, where among woods, savages and wild beasts. The family his honor tells us however are not so much absorb'd in grief as to forget the main chance, the adventurers forty thousand, L^d J. twenty, L^d H. twenty, & a M^r Upton twenty; a pretty little patch of a hundred thousand acres. This if true will be doing business indeed, 'tis well we have been combatting the old man about his thirst for granting, or not an inch would have been left, but as it is I believe it will be a pretty distant settlement, for several of the reduc'd officers as sharp as hawks, have not known where to perch, the new scheme for N. Hampshire Bounds may indeed help — Your friends, tho' it is much against the grain, will give no unnecessary delays you may be assur'd tho' they begin to think, as matters are going at home, they might as well have been a little more bountiful to their poor countrymen and neighbors who wanted and would have settled it. But tems passé

The old gentleman tother day sent me £746 1 10 $\frac{1}{4}$ pursuant to the inclos'd acc^t for the moiety of a quarter's salary and sundry douceurs of land which hits his taste exceedingly. When an instruction starts that feeds his ambition & vanity, he is as tenacious as a girl of her virtue. — But those against land, that is, against his interest weigh about as much as an old Almanac. By these two poor ingredients only, the poor old soul is kept alive, its a pity the nostrum is so efficacious —

I did intend to have sent you a Bill of Exchange, by this conveyance but we cannot draw & the Navy Agents tell me they do not — By the Packet I hope to do it on Sunday next —

They are all in a flame at Philad^a. Franklin is sail'd agent again & Hamilton treading on his heels, so M^r Temple the surveyor tells me, who is just come from thence.

I would advise their going in the same ship, who knows what a months passage might do coop'd up together. Pray

tell Napier I wrote him 28th ult. by a Bristol man in answer to his from Scarbro' & sent History of B——ts expedition from old hard faced Barr — and if you should see Coll: Amherst tell him the Byrds are not cook'd, when they are I shall pay my respects to him — I begin to see Land on tother side 'tis time to bring too & to finish my Journal —

I am always very faithfully

D^r S^r

Y^r Aff^t Humb. Serv^t

J^{Nº} WATTS.

My respects to all friends — and the family, little & big.

The Hon. Gen^l MONCKTON.

W. SMITH, JR., TO MONCKTON.

NEW YORK, 5th November 1764.

SIR,

I now take the liberty you was pleased to allow me of writing to your Excellency, whenever any thing occurred of importance to the Colony.

You know, Sir, that one of the King's instructions directs the Governor to permit appeals from the Common Law Courts to the Commander in Chief and Council, and thence to his Majesty in Privy Council. Our lawyers have hitherto interpreted the Instruction to mean, that the cause upon the removal to these superior judicatories, comes up only upon a Writ of Error, and is to be tried as causes in error are in England.

Upon this principle the security of trials by Jury remains unshaken, because matters of fact are left to the Jurors, and are never unravelled on Proceedings in Error.

I wish this interpretation was as well grounded, as it is

salutary to the rights of the people: But I have long supposed that the aim of the ministry, was to make Plantation decisions both with respect to law and fact, upon the whole merits, reversible on an appeal to the Crown as the dernier resort.

Several reasons induced me to be of this opinion. It increases the power of the Crown, and the dependency of the Colonies. It falls in with the ministerial principle that the King's will is law in the Provinces. The King in Council has received and determined upon such appeals from the New England Colonies. The instruction was formerly by express words confined to *cases of Error*, and was first altered in those given to Sir Danvers Osborn, after the acquiescence of the Eastern Colonies had given the Crown a sort of possession. The term "appeal" is borrowed from the Civilians, and I suppose those who introduced it, intended to give it a Civil Law operation, and render the administration of justice amongst us, controllable by the King, as that of the Prætor in the Roman Provinces by the Emperor, on the appeal to Cæsar.

What construction the Government will adopt is a matter of anxious expectation. I have for many years been fearful of the day in which the experiment will be made. A late verdict will now bring it on.*

In our last term (26th of October) the jury gave £1500. damages, for the plaintiff Thomas Forsey against Waddel Cunningham, for an assault and battery. The defendant's agents offered an appeal to the Judges of the Supreme Court and security to prosecute it. They rejected it and refused an entry, the Chief Justice declaring (which might have been omitted) that it was an *impertinent application*, and that if he did not think it imputable to ignorance, he would take further notice of those who applied for the entry.

* See letter of Justice Livingston, 26 January, 1765, *infra*.

Since that the affair has been laid before the Lieut. Governor, who forced from the attorney general an opinion against granting the appeal and then called the Council. The Board as I am informed observed that it was not ripe for their cognizance, upon which he sealed a writ in the nature of a civil law inhibition, which has been served upon the Judges and parties. M^r Horsmanden ventured notwithstanding to tax the costs and sign the judgment. The Clerk of the Supreme Court has been since formally required to seal the Execution. But at the request both of the Clerk and Chief Justice, it is not to be issued till the return of the inhibition, 14 days hence, it being given to the Plaintiff to understand that the Lieutenant Governor and Council will then reject the appeal, and so all impediments will be removed. If I was to advise in this business, as I shall not, having absolutely refused to be concerned, it would be to recommend a suspension of all proceedings till the case was laid before his Majesty and an explanation solicited for, consistent with the safety of the people and the old course of the law.

Be the issue as it will here, the matter will be immediately transmitted for the ministerial comment, and at such a juncture I could not avoid writing to your Excellency, lest the people submitted to your government, might lose your assistance, so necessary for their security and interest.

They are the more anxious to maintain their privileges now, as they have fearful apprehensions of being soon burdened by internal taxes. On this subject they have prepared petitions to the King and both Houses of Parliament. The Agent is directed to prefer them immediately after they come to his hand. They are nearly alike. A copy of that to the Commons, I take the freedom to enclose, because it may be in your Excellency's power on that occasion also to be of service to a province, already

sensible of your favor and confident of your aid and protection.

I have the honor to be

Sir

Your Excellency's most faithful & obedient ser^t

W^m SMITH J^r.

His Excellency General MONCKTON.

WATTS TO MONCKTON.

NEW YORK 10th Nov: 1764.

DEAR SIR,

By Jacobson 6th past I wrote you in great wrath till I was out of breath.

On Wednesday next the old gentleman is dragging us into this same unconstitutional ill understood appeal, I hope they may bring Knapp the convict to support it, no body else will, M^r Nicholls I am told declines — This instruction I find is not the same as former Governors had, as far down its thought as M^r Clinton. M^r Crosby's we are sure was not. M^r Clinton's are not to be found. It is suppos'd to take its rise with Sir. Danvers Osborn, with the 39th which they immediately took back when they came to cool. M^r Clinton's representations fomented & drawn by this very old mischief maker, had suggested the Colony in a state of Rebellion, because it would not be govern'd by his mere will & pleasure, so that this evil genius is now only supporting a brat engender'd by his own brain. When S^r Charles Hardy came over the 39th instⁿ was quite alter'd & so would this 32^d have probably been, had it struck the eye, but as it was

only an alteration in part, the same sense was thought to remain & could fairly be inferr'd from it, which made the appeals, appeals of error, not a trial *de novo*, by which three or four councillors could overset, the solemn determinations of the Supreme Court in point of fact, tried by a Jury, which the law calls the subject's peers, & in truth entirely destroy the use of juries & Court too. But as a nose of wax, people are extremely incens'd & alarm'd at it. The old body was always dislik'd enough, but now they would prefer Belzebub himself, to him.

The Colony is so chagrin'd at the treatment of their paper money, considering how dutifully they have obey'd the requisitions of the Crown, that brought it all upon them, that they would not hear of so much as offering the forty thousand pounds Act to the Lieu^t Gov., of course it goes on sinking & the Government loses the fund. You mention M^r Penn's being an advocate for this doctrine, the reason is plain, he is an enormous land holder, too much for any one subject, and if his tenants have nothing to tender, silver & gold they cannot have, they become in a measure his slaves instead of tenants, because they lay at mercy.

I saw my friend Allen with pleasure & us'd all my might to keep him cool, he promis'd it but I am afraid the frenzy has seiz'd him, by the lengths they are running — Franklin will be with you probably ere this & Hamilton is at his heels.

I got *our house* to order, a hundred dollars to be paid for your ginger bread thing in the Fort & to let it remain as an ornamental fixture there. What shall I do with the fine silver vessel, 'tis nobodys pin'north here, I whisper'd to Gen. G. but he did not hear. Wont Drury Lane want it, I believe I must try, or suppose the old F—x was to make Madam a present of it towards house keeping among the Mohawks — I wish to hear from you about the Clothing, but your bargain must be conditional we will try a sale —

To comfort you for this heap of rubbish, I enclose the second of Gov. Fitch's Bills on M^r Jackson for £255. 10. 5 st^g & De Lancey & Watts on the Contractors. S^r Sam Fludyer & Partners of this date for £150 st^g both at 85 p ct. charged to your acc^t.

I don't know how to deal with Leary, I believe he is as poor as a sinner need be.

My respects to all friends, I don't remember that I am indebted any letters or commands except Coll^o Amhersts birds which are not yet ready.

The Surveyor General has appointed poor Blundell Land Waiter instead of old M^r Nicolls who has resign'd in his favor. I don't suppose such a trifling appointment will reach you but if it should you know Kitt to be an orderly sober fellow & he makes a fine reverend bow in Council.

I always am

My D^r S^r

y^r aff^t Humb^l Serv^t

JN^o WATTS.

I wrote Napier 28th ult via Bristoll —

Cap^t Legg of 46th has your papers & knows more than I do, tho' he may'nt say half so much.

SAME TO SAME.

NEW YORK, 10th Dec^r 1764.

DEAR SIR,

As you had receiv'd my Letters no farther down than to 11th Aug^t by the Hyde packet, acknowledg'd by your favor of 13th Oct^r I will recapitulate the Catalogue wrote since, not for the importance of them, but to know what becomes of ones paper & wax, & if any should go astray to supply

the defect, if they chance to contain some anecdote of your affairs, it may be necessary to repeat — My next in order then was 22^d Sept. by the Harriot packet, follow'd by the 11th Oct^r p Davis, the 6th Nov^r by Jacobson, the 9th Do. via Liverpool & 10th Do. by the Cumberland packet —

The Packet sails the day after to morrow, and tomorrow is our final hearing about the interpretation of this same 32^d instruction. You'l remember another instruction, the 40th if I recollect right, absolutely forbids the Gov^t constituting any New Courts — this is constituting a New one with a witness, or at least giving an old carcass of a Court such a power as no Court ought to be possess'd of where the Liberties of Englishmen take place. I told the old gentleman a Jury was the bulwark of English Freedom, he coldly answer'd & with seeming indifference “ that there were no Juries in Scotland & he did not see but Justice was as well administer'd as in England.” This was a doctrine tho' that we did not relish or admit at all — 'Tis strange how few of these people have a true sense of Liberty, tho' they generally take enough in conscience when they have power, and upon the same principle too; give & take —

I shall deliver to [? Major Small] who commands a party of the 55th going home in this ship a large packet of the printer's stuff & I shall inclose three or four of Judge Horsmanden's printed case in a separate printed cover, which may be made any use of that is proper, pray let Coll^o Barre have one — It is to be hop'd if they do really mean to cram the old man Scots unconstitutional doctrine upon the Colony, the Parliament may interfere & preserve to it those liberties they themselves so much revere & for which their fore fathers have sacrificed so much generous blood —

I can't see that our situation will be one jot better than the most despotic states in Christendom, if two or three Councillors holding their seats at pleasure here, can reverse

the facts found by a Jury & afterwards their determination again be turn'd topsy turvy at home, by a few people holding their offices at will & who have too many avocations of their own as constant experience shows us, to enter into the merits of our little, unaffected distant American disputes, upon which however the destruction or welfare of numbers of his Majesty's good subjects depends.

On Thursday I shall write to you again, & close this subject with the opinion of the rest of the Judges & answer more fully your favor of 13th Oct^r. The old man who has not a soul to support him but G. Harrison & two or three other such characters, I have been told thinks to supersede the Chief Justices & our worthy Att^y Gen^l for giving such honest opinions as the law directed & they were bound by oath to do, but was says Hudibras of oath taking, a great deal too much melancholy truth.

God preserve us all, that he may long & happy you & yours is the very unfeign'd wish of

Dear Sir

Y^r. Most Aff^t Humb^l Serv^t

JN^o WATTS.

Oliver says he sends you apples or I would do it. Say something about Greenwich — I shall write to my friend Napier by the packet not now, tell him evil communication corrupts good manners, no bad company. As Major Small goes home in the packet, I shall give all the papers &c: to him & a letter from Daddy Ch. Justice —

12th Council just broke up, nothing conclusive yet, Justice Livingston gave his opinion at large in writing corroborating old Daddys.

WATTS TO MONCKTON.

NEW YORK, 10th Jan^r 1765.

DEAR SIR,

My last was of 13th ult. by the Hide Packet, Major Small took charge of a letter &c: from His Hon^r the Chief Justice, who hopes for your friendship & support in doing what he conscientiously thinks his duty — The Council have unanimously given their opinion, that as all the Judges & the whole body of the laws, without one exception (unless Coghill Knapp, a transported convict may be called an exception) have declar'd that no appeal by law can lie upon the whole merits of the cause from the verdict of a Jury — “that his Majesty must intend by his 32^d instruction an appeal in error, as has been practic'd invariably ever since the Colony existed when appeals were brought — Besides, as his Majesty in another instruction has directed in these strong words to his Gov. “You are to take care that no mans life members freehold or goods be taken away or harm'd in the said Province otherwise than by establish'd or known laws, not repugnant to, but as much as may be agreeable to the laws of this Kingdom,” the Council could not conceive his Majesty meant to introduce a practice not known in England, & absolutely stripping the whole Colony of the birth right of every Englishman, as Trial by his Peers in matters of fact, from whence no appeal can lie, but where there are errors in the proceedings — But I shall leave the disagreeable subject.

Marsh, the Clerk of Albany & Secretary to Indian affairs died yesterday, if you have no thoughts of any body else, it would be a most benevolent action to get it for a branch of a most worthy family of this place, who once liv'd in

the first rank, but have for some years past felt a severe reverse of fortune. The family I mean is M^r Moor's & the persons I would take the liberty to mention are either Thomas or Stephen. They nor no body else knows I have said one syllable about them so that the freedom I have taken brings you not under the least necessity of so much as hinting the thing unless it be perfectly agreeable to your disposition of aiding the distress'd — If it should require some money I would willingly advance it. They have two Uncles I believe living in London, one of them Daniel, was a member of the late parliament & got another of these brothers a place in the Custom House. Napier loves doing good, may be he would help. I should think the offices had better be divided, let S^r William do as he likes about his Secretary, they have no connexion. Who M^r Colden will appoint to act I know not, but most likely one of his own members — a son of his formerly was Clerk of Albany & died — Excuse my freedom & I have done troubling you at least on this head.

— has sent me two small Bills of about £40. value on Barnsley which I have sent to him for payment at Philad^{la}. — He says he will soon make a handsome remittance — I hope & believe all is well — Coll^o Robertson has paid me £59. st^s at 4s. 8d. equal to £100 9 10 curr^y no other money rec^d on your acc^t.

Inclos^d is my Bill on G. Amherst for £46 Stg. drawn by the Colonel's order for Wines. &c: sent him — Also Coll^o Bird's Bill on Bogle & Scott for £175 St^s. — If the latter should be refus'd please to return it me protested on my acc^t I will make the value good.

Coll^o Barre's money I will remit by this conveyance if time is permitted me otherwise by the next packet, the Nov^r mail not arriv'd. Snow & sleighing in abundance more than has been known for this twenty years. Be pleas'd to tell my friend Napier his Corps is reduc'd, Barr & Mallet both here.

My respects & compliments to all friends & believe ever
faithfully

D^r S^r

Y^r Aff^t Humb^l Serv^t

JN^o. WATTS.

If the Gov^t will pay Coll^o Byrd's Bill at any rate I would
not have it return'd, 'tis ugly work contending with friends
about mammon.

The Hon^l Gen MONCKTON.

As I find M^r Colden proposes to appoint Step. De
Lancey, oldest son of Peter, Clerk of Albany till the King's
pleasure is known, & has recommended him to S^r William,
I would do nothing to hinder his confirmation at home,
on the other hand I would forward it to oblige the family
as much as lay in my power — there is a prodigious brood
of them & it becomes a kind of duty in us who are so nearly
connected.

Our old Ruler pretends to be very angry with his Coun-
cil for a particular he calls breach of confidence — the case
is this. He read a long dissertation on Law of his own com-
posing to a public audience of a hundred or two people,
that his prejudice lead him to think was a notable per-
formance, for you must know he is persuaded a few week's
reading will make an old man of eighty a greater adept in
Law than the whole community put together, this he has
clearly prov'd by opposing & even rudely treating, the
whole Bench of Judges, his Maj^s Atty. General, the whole
Council, & the whole body of Law down to the lowest prac-
titioner, except John Coghill Knap the Convict, before
mention'd, but to my point — After he had done reading,
tho' he had behav'd like a profess'd party thro' the whole,
more than like a Judge, he declar'd himself ready to be
convinc'd with many other professions of candor, &c: the

Council answer'd as most of his propositions were points of Law which they did not understand, they hop'd he would give them a copy of his argument, that they might take advice upon it & either be convinced by or refute it — He promis'd, & sent them, a copy annex'd to a letter with another reason and stronger, he thought, than any he had mention'd, but with this sophistical restriction, that as the argument he had compos'd were his own private thoughts he meant them for the Council's private use, tho' he had read them with amazing self applause to a whole Court (for the Council sat as a Court) of a hundred or two people who had brought away the substance of every thing he had said — This the Council thought such unfair childish treatment & such a restraint as he could have no right to lay he might as well have sent it to the pastry shop especially after his first promise which did not contain it, that they took the advice of the ablest Council in the Law & just answered his speech as he had made it, before the whole Court. The truth is there was not one word of Law or precedent in any of the propositions he had advanc'd, tho' the composition altogether read smooth enough, & it tortur'd his vanity to be thus laid open. We shall send you the whole as soon as it can be transcrib'd, but like all other law matters 'tis too long. Morris writes to Lord Hillsborough & C^o. Conway. All we ask is the Justice of being heard before we are condemned.

The good old gentleman wanted to put it on a footing that we were opposing prerogative & the Kings Instructions. We answer'd no; the point rested upon the true legal meaning of an Instruction, which we had taken as solemn advice upon, as if, our lives & fortunes were at stake & more it was out of our power to do, either for his Maj^s service or the conscientious discharge of our own duty, besides it could not injure his Maj^s service, to let things flow a few months longer in the same channel they had done, ever since the Colony existed.

SAME TO SAME.

NEW YORK, 25th Jan. 1765.

DEAR SIR,

The Council with their very sincere respects to you, beg that you would be so good as to read, seal, and deliver or send, as you see best, the inclos'd Letter to Lord Hillsborough —

They are very apprehensive of a misrepresentation of their conduct, they desire nothing but an impartial relation of the affair. Nothing has been omitted to set them right if they had been wrong, but the more they enquired, the more they became confirm'd in their opinion. Besides the whole body of the Law here, they have been supported by the opinion of the Chief Justice & the Lawyers of both Philadelphia & New Jersey. Greater testimonies were not to be obtained on this side the water. If you should converse with Lord Hillsborough on the subject, which would be a great favor done us, it would be very satisfactory to me, to know his general sentiments of the matter, in as private a way as you please, by the very first opportunity or two, & to give you as little trouble as possible, no matter how short, or let any body else write.

I ever am

D^r S^r

Y^r Most Ob^t Serv^t

JN^o. WATTS.

Hon^{ble} Gen. MONCKTON.

SMITH, JR., TO MONCKTON.

NEW YORK, 25 Jan^r 1765.

SIR,

The importance of the point lately controverted in the Government submitted to your care, seems in some sort to oblige me to inform your Excellency of what has been done since my last letter of the 3rd of December.

All the rest of the Judges having reported the reasons of their conduct, and declared that the Appeal was illegal, and the writs, issued by the Lieut. Governor, an obstruction to the course of Justice, commanding both what they were obliged by their oaths and their Commissions to disobey, M^r Colden then delivered a written argument to induce the Council to go into the contrary opinion. As they sat as a Court, the doors were open, and a numerous auditory attended, for it was supposed, that if it was determined that the appeal was right, the Judges were wrong, and that they would all be displaced. The Council asked him whether he intended to enter his argument upon the minutes; and were answered that he was not resolved, but would, if he saw fit, after they had declared their own opinions — Upon which they pressed him for a copy and desired time to consider it.

At the next meeting, they unanimously adjudged, that the Appeal could not be received, and the Clerk read the reasons upon which it was grounded. Here a scene opened which gave pain to me and I believe to all who are concerned for the dignity of the Government. The Lieutenant Governor abandoned himself to the most evident partiality and rage, and fell upon the Council and the Judges charging them with indecency, want of respect to the King's authority and with unwarrantable freedom. Whether there was any just cause for this violence, I must submit to your Excellency, for all this wrath was excited or pretended to

be excited only by their reply to his argument. No degree of patience could submit to all the abuse offered, and many sharp things were retorted both by the Council and the Judges. Upon his saying that the latter had mislead him, M^r Livingston replied "I gave you good advice which had you followed you would not have gone wrong" and Col^l Morris declared "that if the Council were to be thus used, he did not care how soon he was relieved from such a service" adding "if it was M^r Colden in another place" and then stopped. This may suffice to shew the spirit of these disorderly transactions, and to answer my aim of informing your Excellency of the true state of your Province. All ended in threats of a proper representation to the King's Ministers which go by this conveyance. Both parties, I suppose will transmit copies of the proceedings, and the Council now write to my Lord Hillsborough, to vindicate themselves, and prevent any imputations to their prejudice unheard.

In short, this unseasonable effort of Mr Colden to introduce an innovation, which he conceives will recommend himself at home, has inflamed the whole country, and it spreads a jealousy that the Crown is aiming to deprive the subject of his most valuable rights even in the neighbouring Provinces. I think it easy to be foreseen, that unless the Government disavows the attempt, the interest of the Crown will suffer greatly from a want of confidence on the part of the people and I am persuaded that at the next convention of the Assembly, the Representatives will set their faces against every measure, recommended by a person, in M^r Clinton's time voted to be an enemy to the Colony, on this occasion recollected and spoken of with all the freedom and acrimony of the most unreserved disgust.

I am Sir, with the highest respect

Your Excellency's

Most faithful obliged & Obedient servant

W^m SMITH J^r.

THREE LETTERS FROM JUSTICE ROBERT R. LIVINGSTON
TO GENERAL MONCKTON.

I.

NEW YORK, 26 Jany. 1765.

SIR,

Ever since I had the Honour to be distinguished by your Excellency's appointment to one of the most important posts in your Government, I have, by a diligent attention to the duty of my office, endeavoured to justify your choice. How I have succeeded belongs to others, not to me to determine. Notwithstanding this, I have reason to expect, from what has dropped from His Honour the Lieutenant Governor, that a complaint will be lodged against me and my brethren in office.

As this arises from an affair very interesting to this province, I beg permission to lay before you a short account of the whole. I shall not, endeavour, by any palliation, to excuse myself. I think upon a fair hearing, which I hope will be allowed, I can justify my conduct, and am only afraid of misrepresentations.

An action of Battery was commenced by one Forsey against Cunningham,* both merchants of this place. Upon a difference between them, Forsey had been wounded by Cunningham very dangerously. The manner of his doing it had greatly raised the resentment of the people, for he concealed a sword under his coat for the purpose, and tho' upon sight of it, the Plaintiff ran from him as fast as he could the Defendant pursued him and beat him with his sword till he provoked him to turn about and strike at the assailant with his whip; on which, the last stabbed him

* See Justice W. Smith, Jr's., letter, 5 Nov. 1764, p. 540, and 25 Jan. 1765, p. 552.

in the breast through his lungs, in such a manner, that his recovery afterwards was thought very singular. For this, the jury gave £1500 damages, about which there were various opinions, some imagining the damages excessive, while others conceived, that a great deal more ought to have been given. No exceptions were taken to the regularity of the proceedings by either party. On this, a new trial was moved for, which the Court refused to grant; for besides the pain the Plaintiff underwent during the cure, much actual damage was proved by losses in his business; and there was not the least probability, that another jury would have assessed the damages at less; nor did it appear that they ought. On this an appeal was offered to be entered to the Lieutenant Governor & the Council. This was not permitted, and the party was told that a writ of Error was the only method of bringing his cause there.

Some time after this, when the other Judges were gone into the Country and none but the Chief Justice in town, two writs were procured addressed to the Judges of the Supreme Court commanding us, to desist from all further proceedings, and to bring up the whole before the Lieutenant Governor & the Council. This the Chief Justice refused, and bringing back the writs on the next Council day, declared that he could make no return to them, because he considered it to be illegal, & desiring a time to reduce his reasons to writing, he produced them a few days after; on which the Lieutenant Governor proposed that they should be entered on the minutes; which was ordered by the Court. An order also was made, that the other Justices of the Supreme Court should give the reasons of their conduct; which I was informed of, as soon as I came to town. That the parties might not be delayed, I gave them as speedily as I could; and having read them next Council day, they were also ordered to be entered on the minutes. I gave them with a freedom & unreservedness, which I thought became my station, and without fearing

the resentment of any person on that account; but I found that his Honor the Lieutenant Governor was not a little offended, and, in his attempt to answer what I had said, mentioned the gentlemen of the Bar with great disrespect, and spoke of trials by juries with the highest contempt, asserting that trials before the Council were much to be preferred — that no part of the Statute law extended [? to the Colonies] — that the King, for that reason, might institute what Courts he thought proper. Afterwards, he produced a long argument in writing, which he read to a very numerous audience, and which was received by them with great indignation, as containing principles, on which the most arbitrary Government might be grafted. In this, he said that Judges who endeavored to raise the passions, forgot the duty of their office. As the insinuation, this carried with it, I thought very unwarrantable, from any thing we had said, I thought myself obliged to take some notice of it. In what manner I have done this, in some additional reasons, which I afterwards gave, your Excellency will see, when you receive a copy of the whole proceedings, which is now printing, & I shall take the liberty to enclose to you by the next opportunity.

That in this whole affair, we have made the Law our guide, I am confident; and this we must do, if we make the least pretence, either to honour, or conscience. From so much of the Royal Instructions, as I have seen, I have not the least doubt, but that it was always the intention of the Ministry, that we should be governed by the Laws of England; and in this Province these are better known, and more strictly adhered to, than in any other; and therefore I cannot imagine, that any practice, so unwarrantable, by any law, or custom in England, as an appeal from the verdict of a Jury, will be countenanced here. Had this been admitted either by the Judges, or the Council, it would have created greater uneasiness in the minds of his Majesty's subjects here, than can well be imagined. I should

be extremely glad that as the country has shewn, that your appointing me to the office of fourth Justice was not disagreeable to them, by their doubling the Salary, my conduct met also your approbation.

Your Excellency's return to your Government would tend much to the tranquillity of the Province, and be extremely agreeable to the people in general, but to none more, than to him, who has the honor to subscribe himself,

Your Excellencys

most obedient

humble Ser^t

ROBT^r R. LIVINGSTON.

SAME TO SAME.

II.

NEW YORK, 28^d February 1765.

SIR,

I took the liberty by the last Packet to write your Excellency a long letter on a subject very interesting to us, which the Pamphlet herewith sent will fully explain. I hope it will appear, that we have not mistaken his Majesty's Instructions, and that we shall be allowed to go on, dispensing justice agreeable to the settled practice, both at home & in this Province. If this should not be permitted, I foresee the greatest inconveniences without the least advantage accruing therefrom to His Majesty. My short experience fully convinces me, that if appeals from Verdicts are allowed, there will be hardly a single cause of moment, in which an appeal will not be demanded; for few are satisfied with a Verdict that goes against them. Parties will generally reserve their strength for the second trial before the Governor & Council, and the Supreme Court will only be an expensive door to let the Parties into the Court of Appeals, as the first Trial now is in Connec-

ticut. What advantage the Crown can receive from this irregular practice, I can't imagine, for it is certainly better, that Causes should be determined before those, who make the Law their study, than that the time of the Governor and Council should be taken up with private concerns.

The whole affair might have been managed with much less noise, if his Honour the Lieutenant Governor's fondness for shewing himself in Law matters superior to the whole body of the Law, had permitted it, for after the Chief Justice had given his Reasons, there was no necessity for obliging him to enter them on the Minutes, but this being insisted on by his Honour, the Council thought proper, that we might all be on a footing, — to desire that the other justices should give the reasons of their conduct, and this has given rise to the publication of the whole thing. If your Excellency should in reading these Reasons, judge that some things might as well have been omitted, I beg you would consider, that through the whole of this transaction Juries were spoken of with the highest contempt, Lawyers represented as regarding only their own interest, Judges declared to be fond of power, and the Council were treated in a very indecent manner, for no other reason, but because we widely differed in our opinion from the Governor. This your Excellency will find every body here ready to testify.

If it was agreeable to your Excellency's inclination to resume the administration, nothing would be more agreeable to the wishes of every body here; for a Gentleman, who would make it his business to promote the prosperity of the colony in every thing, in which its interest and that of Great Britain coincide, is most ardently desired by every body, but by none more than by

Your Excellency's

most obliged

Humble Servant

ROBT R. LIVINGSTON.

SAME TO SAME.

III.

NEW YORK, 8th November 1765.

Your Excellency's esteemed favour of the 12th of May, which I had the great pleasure of receiving some time ago, would not have emboldened me so much as to be troublesome to you again by another long letter, (tho' I am greatly Honour^d by such a correspondence) if events of the most extraordinary nature, and such as, I believe, you would chuse to receive a full information of, had not lately happened. They were such as had liked to have reduced this City to a State, the most deplorable & shocking imaginable; and God only knows, how dismal the consequences yet may be. At present, it bears the face, rather of a Comedy, than of a Tragedy. Your Excellency will doubtless hear, long before this comes to your hands, with what a general disgust the first Act, imposing Internal Taxes on the Colonies, was received. The distributors appointed for all the Colonies have resigned their offices, or have been obliged to desist from all attempts to carry the Act into execution. M^r M^eEvers appointed for this office, finding it odious to his fellow-citizens, resigned early; and by that means, prevented those compulsions, which were made use of in the neighboring Colonies. In this, we thought ourselves happy & those, who were fond of peace & were real friends to the prosperity of the Country hoped, that we should be free from all further disturbances and remain in perfect quiet; but when the stamped paper began to be expected, about the beginning of September, the Lieut-Governour ordered a Man-of-war to guard the Ship, in which they were to come, and began to fortify the Fort for their reception. These proceedings (as every thing done by this man has long been odious, from an excessive personal hatred to him) very much irritated the

minds of the Citizens, already too much inflamed by a number of Publications in the Newspaper, which the Government did not dare to punish, for fear of adding still more fuel to a very dangerous Fire. When the Ship with the Stamps arrived, which was the 23^d of October, it was announced to the City by the firing of several cannon from one of the Men-of-war, at about 10 o'clock at night, and the next day the ship was convoyed into the harbor by a Man-of-War and a tender, with great parade. A vast number of people beheld this sight, and, it is said, appeared most furiously enraged. In the mean time the Fort was constantly endeavoured to be rendered more & more respectable by additional preparations for defence, which the citizens continued to look on as an Insult. Whether this put it in the heads of some rash men to form a design of attacking the fort, I know not, neither is it absolutely certain, that such a design was formed. About a day or two after Davis's arrival with the stamps, Papers were posted up in the night in several parts of the Town, entitled *Vox Populi*, bidding the persons who first made use of Stamped papers, to take care of *House, Person, & Effects*, which appeared by the hand, tho' a disguised one, to be written by a person not very ill educated. A number of such publications followed this and threatened vengeance, in terms, the most terrifying imaginable, till the first of November approached; which was termed the last day of Liberty. On the day preceding it, the Merchants of the City met at Barns's Tavern, the House of James Delancy (well known to your Excellency) and came to a Resolution, to send for no goods from England, and sell none, should they be consigned to them, except the Stamp act was repealed. At the door of this house, a number of boys & sailors appeared, imagining that there was a design to execute some foolish ceremony of burying Liberty; which it seems had been talked of; but when they found that the Merchants peaceably separated, and that there was no shew to be

exhibited, they proceeded through the streets, in a mobbish manner, whistling and hurraing. This ended without mischief, except the breaking of a few glass windows. On the night of the first of November, there passed through the streets a mob, the most formidable imaginable. The Mayor & Aldermen had met at the City Hall, in order to prevent any thing of the sort, and at its commencement, endeavored to oppose it with their Constables, & threw down the Effigy they were carrying, but the persons attending ordered it to be taken up again in the most Magisterial manner, and told the Mayor &c^a, they would not hurt them, provided they stood out of their way. They were obliged to yield, and the mob proceeded, — the numbers of the Actors and Spectators were inconceivably great, — and they went on with the greatest order, carrying candles and torches in their hands, and now & then firing a pistol at the Effigy, which was carried in a chair. As I was convinced no good was to be done by going out, (for it was supposed to design no more than to expose a man universally odious, nobody would have assisted in suppressing them), I saw no more of all this nights transaction, than their passing twice by my door. The second time with the Governors Chariot, taken out of the Coach house at the Fort. While this was doing, a number of other men were employed in making a gallows and hanging thereon the effigy of the Governor and the Devil. This they went from the common to the Fort with, and there placed it, as the Lieut. Governor has since told me, within ten feet of the Fort walls. Here it is impossible sufficiently to admire and commend the patience & temper of the officers and soldiers. The Populace knocked at the gate, placed their hands on the top of the Ramparts, called out to the guards to fire, threw bricks & stones against the Fort and notwithstanding the highest provocation was given, not a word was returned to the most opprobrious language. From this description, you will perhaps conclude that it was the de-

sign of the people to provoke a fire. I must leave you to judge from appearances. I can do no more.

After this, the gallows with the Effigies were carried into the Bowling Green, where they were burnt with the Chariot* & chair, belonging to another person, and almost every moveable, they could find in the Stables. The fire was kindled with the boards of that part of the Fort fence, which faces Broadway. This had been broke down before by the Garrison in order to expose the Assailants to the fire of the Fort, and was a new cause of dissatisfaction to the People. From thence, after the Execution, they went to Major James's house, who was become an object of their hatred for having said, as was reported that he would cram down the Stamp Act upon them with a hundred men. They brought out of his house all they could find, drank his liquors, and burnt and destroyed every thing else before the door. I hear he computes his loss at Fifteen Hundred pounds sterling. Thus, with an attack on some bawdy houses, the mischief ended for this night. And here we hoped all farther designs would have been dropped. But the next day, it was publickly reported, that an attack would be made, at night, on the Fort, and that nothing would satisfy them, but the delivery of the Stamps. This, I own, surprized me much. I heard the Mayor and Aldermen were met in order to consult the peace of the Town, at the City Hall. Thither I went a volunteer, sent for the Mayor out, and told him that if they were on that business, I came to offer them all the assistance in my power. He received the offer with great cordiality, and immediately introduced me. I found the whole body extremely dejected, and I could not find, that they had formed any one design, except that of waiting for a message from the Council who were to tell them what concessions the Governor would

* Lieutenant-Governor Colden's loss was sworn by his son to be £195 3s. The Assembly refused to indemnify him, on the ground that he had brought the loss upon himself by his own misconduct.—Prior Documents, pp. 100, 124.

make, to quiet the minds of the people. Proposals were then made, to draw out the militia, and to form an Association. But despondency and irresolution prevailed over all, and the power of the Magistrate was sunk. At last came a message from the Governor, acquainting the Corporation, that he would distribute no Stamp papers, except they were called for, and was willing to put them aboard a Man-of-War, if Capt. Kennedy would take them; and this was all he would condescend to say, in order to quiet the Ferment, he had been so imprudently instrumental in raising. He has since told me, in the presence of several other gentlemen, that he had wrote to the Ministry a fortnight before, that he should not meddle with those papers, till he received farther directions. Had he condescended to say this, in time, all would have been quieted, and he would even have acquired some degree of popularity, instead of those gross and mortifying affronts, he has received, and the City would have continued in peace, at least till a new Distributor was appointed. However, this being all he condescended to say, we agreed to put it in as favorable a light, as we could, and to endeavor, with this, to quiet the people; and also, by shewing them the folly of attacking the Fort, if such a thing was really intended. For this purpose, Mr Duane put me I think, on the most prudent measure, and what contributed more than any other thing to success. He observed, that as the disturbances had & would probably begin amongst the Sailors, the most likely method would be to apply ourselves to those captains that had commanded privateers. This we immediately put in execution and with good success, tho' we found the minds of several much inflamed. One came immediately into our measures. With him we went round to every part of the Town, spoke to many persons, found the highest resentment against the Lieut. Governor every where prevailing, and every now and then had hints of the intended design, tho' we could no where find any number assembled. The

party, however by many gentlemen's taking the same measures, speaking to and persuading all they met, was certainly divided. After patrolling in this manner for some time, seeing no collection of men any where we supposed all would be quiet. At last resolving to go to Major James's house, where the mischief ended, out of one of the houses on the Church ground, facing the Commons, we saw seven or eight men issue, with candles lighted, and a Barbers Block, on a pole, dressed up with a parcel of Rags. We immediately ran up to them, and soon prevailed on one half of the number to desist. The others continued obstinate and in a very short time, a strange sett poured in, from all quarters, so that we soon had about us above two hundred men. We divided them. Some were for going on, others for desisting as the Governor had now given satisfaction enough. Thus we continued a long time prevailing with some, while others made attempts to proceed. Expressions dropped, which shewed but too plainly, they had all met to execute this mad project. Never before this, could I think that this was really intended. While we remained in this suspense, at last came from the Governor a Declaration of his in Council, that he would not meddle with the Stamps at all. This divided them in such a manner, that we at last defeated the purposes of the most turbulent. During all this time it was not thought advisable to exert the authority of the Magistracy. The next day, being Sunday, a letter was wrote to the Custom House officers, threatening destruction, if they did not clear out vessels as usual, deliver up all the money & notes, they had taken for duties. Another was put up at the Coffee House, telling them they must not mind the peaceable orators, who had prevented them on Saturday night, that they should be resolute, they would be commanded by men, who had given proofs of their courage, in the defence of their country. This was subscribed *The Sons of Neptune*, and plainly fixed the time for the assault,

to the fifth of November, which was Tuesday. It was high time, now, for those inclined to keep the peace of the City, to rouse their sleeping courage. A meeting was appointed for that purpose, to be on Monday, and all the Citizens were invited to be at the Coffee House at about ten o'clock. There tho' all came to form a union, few cared openly to declare the necessity of it; so intimidated were they at the secret unknown party which, had threatened such bold things, and had put the Fort in such terrors, that every day new measures were taken to put it in a posture of defence. This continual adding to the strength of the Fort kept up the dissatisfaction of the people and made every report of the strength and preparations of the party who, it was said, designed to attack it, more credible. I ventured however, to tell them that it was high time to form a resolution to keep the peace, and to enter into an engagement for that purpose, and set before them, in as strong a light as I could, all the terrors of a Mob Government, in such a city as this. All agreed to this, tho' some dreading the secret party, who called themselves *Vox Populi*, thought I declared my sentiments too freely. I soon after heard I was threatened. However, what was said made its due impression, and that evening many of those that determined to keep the peace met and went out into the Common to quell any new disturbances and at night several Captains of Vessels and others met together at a tavern, and sent word to the Mayor and Corporation, that they were resolved to join in the design to keep the peace, but hoped the Governor, for the quieting mens' minds perfectly, would execute his first purpose of putting the Stamps on board a Man-of-war. They, to whom these cruel papers had occasioned so much uneasiness, had sent to Capt. Kennedy, to desire him to receive them; but he refused; and the next morning, being the 5th of November, the day, which all feared, as we did not know, but, by an attack on the Fort, an open Rebellion would be commenced, tho' we could not tell by whom or

how formidable this *Vox Populi* was. The Corporation met, and proposals were made in writing to the Governor, to take the Stamps into their own custody, in consequence of a question he had asked the Mayor, to wit; whether he would take them and a desire at the same time that proposals might be made him in writing. And tho' the Governor has since confessed to me, that the proposal was agreeable to him, and all the inhabitants were collected at the City Hall, at 4 o'clock, in the afternoon, to know whether tranquillity would be restored by his agreement, yet he would not signify his consent till the evening, nor then, till he had got the General* to signify his assent to a matter, he had nothing to do with. This the General however readily did, for he knew the security for them by the Corporation was quite sufficient; for all agreed to protect them in their hands, and the Government would have got more by their destruction, than by their preservation. Thus at last, tranquillity is restored by the humanity of one gentleman, which was so unnecessarily disturbed by the perverseness of another. As many different accounts of this matter will go home, I thought it necessary to be thus prolix. Your Excellency will see by this account, that the enforcing the Stamp Act will be attended with the destruction of all Law Order & Government in the Colonies, and ruin all men of property, for such is the temper of people's minds, from one end of the Continent to the other, that whoever carries his opposition to this Act, to the greatest excess, will be most followed, and will force the rest into their measures. Therefore, we beg, as for life and all its comforts, from every person that can aid us, that this Act may be repealed. If it be not, it is impossible for the wisest man on earth to tell how far its mischievous consequences will extend. Britain will suffer more by it, in one year, in her trade, than this tax, or any other, — should others be imposed, — can ever recompence. Merchants

* Gage.

have resolved to send for no more British manufactures, Shopkeepers will buy none, Gentlemen will wear none, — our own are encouraged, all pride in dress seems to be laid aside, and he that does not appear in Homespun, or at least a turned coat, is looked on with an evil eye. The Lawyers will not issue a writ. Merchants will not clear out a vessel. These are all facts not in the least exaggerated; and it is of importance that they should be known. But the worst of all is this; that should the Act be enforced there is the utmost danger, I speak it with the greatest concern imaginable, of a civil war. I have in great haste scratched off for your Excellency this account and am obliged, for want of time, to make use of an amanuensis to copy it; for I have hardly had time (having so much of publick, as well as private business, on my hands) to revise it; therefore beg you will excuse such slips as I must have made; and one thing more, before I conclude, which is this; that since it has been justly observed that none can give an impartial account of his own times, without exposing himself to the resentment of many persons, you will make such a use of this, as will not tend to lead me into any inconveniency.

I shall ever remain, with the greatest respect,

Sir,

Your most obedient

& obliged Humble Servant,

(R. R. LIVINGSTON.)

This letter was without
signature.

WATTS TO MONCKTON.

NEW YORK, 30th March 1765.

DEAR SIR,

My last was 16th inst. via Bristoll p the Grace. Harry Cruger had the news papers recommended to him to save

expense on such lumber. — A M^r Molisson to be landed from this ship at Dover has the succeeding papers to deliver to you, he is I am told an intelligent man & can if you choose it give a detail of what American anecdotes are passing.

Inclosed is the copy of an acc^t from Oliver, the balla: I paid him £120. 19. Curr^y, if any thing is wrong, you'll be pleas'd to set me right. I have paid too to your Gardiner, two quart^{rs} salary £25 — this is all that has been transacted since my last — the old gentleman must have money of yours in his hands. I shall give a hint to Banyar, but I must be tender, the times are sore as a bile, 'tis impossible so many poor mortals can dislike one another more cordially than he & the council do one another, he treats them certainly most abominably & they can't help kicking — Since they would not allow him appeals in his own way, he will admit of none at all & has now dissolved the Court of Error, which was always admitted as an established Court. Skene complains wofully & is sending his case to L^d Hillsborough. He & the old man scold like two Butter Women. They make him pay above £700, patent fees, Gov^r £312. 10 — Secretary's Off £100. Sur. Gen^l £175. &c: and all this for his 25,000 acres tract only — I wish you was here. Government it self really suffers a disreputation in such hands. Nothing minded but accumulation of money here, without regard to the rights or honor of the Crown, while such great pretentions are made at home of supporting these very rights so shamefully prostituted.

My regards to all friends & believe ever

D^r S^r Y^r Aff^t Humb^{le} Serv^t

JN^o W.—

They have paid M^r Allen off in a pamphlet at Phila^{da} suppos'd to be Gov^r F——s, as gross as gross can be. Jan^y mail not arriv'd —

Honb^l Gen^l MONCKTON.

OLIVER DE LANCEY TO MONCKTON.

NEW YORK y^e 20th April 1765

DEAR SIR,

I had the honor of your letter of y^e 9th Feb^y last for which I am obliged to you. I read your letter to Jno. Watts with many others relative to affairs of America. I am truly concerned that the present ministry have such despotic influence in Parliament as to carry measures that must bring immediate distress on this country and consequently so on our mother country.

I am concerned that it is still uncertain what you are to do, as the situation we are in with M^r Colden cant last long, and I most sincerely wish for your coming. The condition Greenwich is in and will unavoidably grow worse, the Gardener besides being very insolent to me does not take care of any one thing, and the last servants that were in the house have left it in worse condition than you found it, for which reason and the uncertainty of your coming over has laid me under the necessity of getting another tenant, and as I did not expect to hear from you, as I had no letter by the Cumberland packet Capt. Davis or Jacobson, I ten days ago wrote to H. V. David Johnston to acquaint him I would let him live in it. Had I then rec^d your letter by the Hyde packet, I should have waited some time longer, but I cant take back now, which I humbly hope you'll excuse. My duty to the family I represent as attorney makes it necessary.

I am obliged to you for your attention to my boys who are to stay one year longer in England. When I sent them I did intend to let them stay long enough to complete their education, but the new regulations of the Colonies has so much taken me down that I am obliged

to give them an education suitable to what they may expect which is much altered.

I am glad to hear of the health of your family who have always my best wishes.

I am truly, Dear Sir

Your most humble ser^t

OLIVER DE LANCEY.

The Hon^{ble} Gen^l MONCKTON.

SMITH, JR., TO MONCKTON.

NEW YORK 30th May 1765

SIR,

Give me leave to trouble your Excellency with my most grateful acknowledgements for your Favor of the 9th of February, and the kind regard you are pleased to express for me. I wish it was in my power, in some measure to merit these marks of your consideration.

The intimation of your opinion that the Appeal Instruction will be explained to our wishes, is no inconsiderable alleviation to the distress occasioned by the imposition of the stamps. As yet we have not a syllable from the Trade upon this subject; the Lieut. Governor nevertheless is, or affects to be sanguine, that the Crown will support his interpretation.

The new tax gives the highest disgust — considered in itself the duties are thought to be beyond all reasonable bounds. The poverty of our people, and the frequent transfer of lands in this Country, extendable also by Act of Parliament even for simple contract debts, 'tis imagined, were good reasons for lower duties here than in Great Britain: And the restrictions upon our Commerce, as they shorten our purses, ought to have reduced the Stamps to

so small a duty, as to be inferior to the first impositions of that sort in the mother country. These now enacted, unless a freer vent is given to our staple, I am persuaded will soon draw out all the little silver and gold we have or can procure, distress us to an extremity, and frustrate the very end of the law. But when the Americans reflect upon the Parliament's refusal to hear their Representations — when they read abstracts of the speeches within doors, and the ministerial pamphlets without, and find themselves tantalized and contemned, advantages taken of their silence heretofore, and Remonstrances forbidden in time to come; and above all, when they see the prospects of innumerable loads arising from this connection with an over-burdened nation interested in shaking the weight off of their own shoulders, and commanding silence in the oppressed Beast on which it is cast; what can be expected but discontent for a while, and in the end open opposition. The boldness of the Minister amazes our people. This single stroke has lost Great Britain the affection of all her Colonies. And now the redress of the grievances of the Provinces in all other respects, the commission of them to the law of such as will govern them with spirit, mildness, dignity, and generosity, and a Ready, able upright administration of justice, by such whose experience of their peculiarities will inspire confidence in the Inhabitants, are become absolutely necessary. This will sweeten the late unpalatable draught, and Art may prevent the evils which Force must inevitably bring on.

But I shall not trouble your Excellency any further upon this subject, I mean only to give a hint of the temper of this country, where many thousands claim an interest in your Patronage, and would rejoice in the return of their Pro-Consul.

I am highly obliged by your condescension respecting the message my polite friend M^r Boon was pleased in my behalf to render acceptable to your Excellency. When

ever you think me able to serve his Majesty and the Public, your call will be one of my greatest inducements to contribute my mite. And whether in or out of Employment I shall always be glad of an opportunity to shew that I am with undissembled sincerity

Your Excellency's
most faithful, obliged &
obedient servant

W^m SMITH J^r

WATTS TO MONCKTON.

NEW YORK, June 1st 1765.

DEAR SIR,

The Hide Packet carried my last dated 16th April — with an addition of the 27th — I am since oblig'd to you for your favor by the April mail which arriv'd before the March — Old St. John got here before either in Boston in a short passage from Dover, he seems sadly shrunk & weather beaten, but Madam as full as she can hold.

I can easily conceive the business of the wise ones, in establishing turnpikes, draining marshes, dividing commons, &c: &c: I paid for it last Winter. My friend Napier sent me the votes and proceedings at large and I read them fairly through, but if I ever do it again, I'll give them leave to convert me into a Turnpike.

The Colonists have no doubt of the Billeting Bills passing or any thing else that is brought in, whether just or no their apprehensions I shant pretend to say, but they seem convinc'd that not only doing the thing itself is meant at home, but an air of both severity & contempt is design'd to go along with it, & it has its *effect* to the full — I could wish to see Squire Pownall's performance, but if he intends to turn Author General he should not be so

prolix, he is said here to affect being the patron of the Billeting Bill from his great acquaintance with & experience of America, I believe there are many such, who make America by falling into the humor of the times, the handle for their own dirty purposes, not caring one farthing so they do but succeed, what is the consequence either to the mother country or the Colonies.

I took it for granted Gates was done with this part of the world & with the army, as to service, but since he does go out, it's a pity Sr Harry could not step in, we know something of him the other is new to us & perhaps we shan't tally so well.

Inclos'd I send you a letter from —, he sent me another order on Forman of the Artillery for £164. 5. 10. but he won't pay it. The Niagara man of the Artillery is got out of his head & thrown things into confusion, however Coll^o Vaughan, no doubt will set all right. My Lord Adam Gordon is here & goes up in a few days to see Mr Falls, &c: he appears to be very communicative & easy, his plan is to proceed from thence to Canada & to return here through Boston to take his passage in a packet about August next, but I should imagine it will be October —

Leary does not come down from Smoaker, he wishes you back most cordially — Your Wine is special good, I had a sip of it tother day, it has contracted both the old tart & look, About the fall I believe you may think of moving it & introducing it into good company. Pray let Coll^o How know if he is not come abroad, that I send by this conveyance a letter for him from Niagara.

The old man has paid me a quarter's salary £225. to March, & £156. 5. some other perquisites which shall be explain'd in your acc^t when render'd. This & some other money I have converted into a Bill of Exchange drawn by De Lancey & Watts on the contractors for four hundred pounds sterling now sent you of this date N^o 110.

The old Gentleman is retir'd to Long Island, if he has

any inuendo's he keeps them to himself, he never sees any of us but in Council & then reluctantly enough, 'tis strange doing buiness when all confidence, harmony & real respect is banish'd.

Gen^l Gage desires me to pay his compliments to you, he has nothing particular to write — My friend Napier will forgive me my neglect by the Packet you mention when he receives my following letters which make ample amends. I beg you will pay my regards to all our friends — I wrote by Davis to most of them.

I am with very great truth.

D^r S^r

Y^r Most Oblig^d Humb^l Serv^t

JN^o WATTS.

The Noble Lady & her Lover are going up to S^r Will Johnson's in a day or two, to observe orders I suppose — Strange inconsistent plan, 'twill be just going up the hill & coming down again.

The Papers shall be given to some passenger, but whom I don't yet know.

CERTIFICATE IN FAVOR OF JANE THOMPSON.

I do hereby certify that while I commanded at Fort Pitt and the Communication, I gave leave, with General Monckton's approbation to the late Anthony Thomson, a Tanner, to establish a Tan Yard near Fort Pitt, for the advantage of the Troops, & Traders; and that the said Anthony Thomson, was besides allowed to cultivate as much Land about the said Tan-yard as would be necessary for his own use & Family, and as his Widow Jane Thomson has been intirely ruined by the Indian War, & lost all the Improvements her late husband & herself had made

upon that Place ; I do hereby recommend her to the Officer commanding His Majesty's Troops in that Department to be permitted, as far as will be found consisting with his orders & the good of the Service, to rebuild the said Tan Yard & have the use of the adjoining Land in preference to any other Person : Given under my hand at Philadelphia the 20th June, 1765.

HENRY BOUQUET.

WATTS TO MONCKTON.

NEW YORK 24th Sept^r 1765.

DEAR SIR,

Permit me to tell you that your friends on this side the water, & the Colony universally like your farewell less than anything you ever did, tho' not so much as in the least to lessen, I believe as sincere a regard as people could entertain for a Governor. You are a little tho' obliged to his honor too, tho' perhaps it may have escaped your observation, he has I believe without designing you any favour made such a lively contrast, as will be remembered as long at least as this generation lasts and probably much longer. You will also have another undesigned obligation to him, for I am much mistaken if he leaves his successor much to do about the Loaves and Fishes that can be cleared off, this is a matter they must settle. It is whispered as if this almighty charge would affect the new appointment, but I should imagine things are gone too far for that, nor is it an object important enough, to be considered when the waters are so troubled, the ship must be first laid to, and the waves a little smoothed. M^r Moore may be a very good man, but I cannot think still the appointment wise, the northern colonies have always considered the planters

of the southern their enemies from self interest, and if ever there is the least occasion will be more uneasy under such a ruler, whose heart naturally will be where his treasure is, than under a person they judge unprejudiced and disinterested.

I cannot send you the papers by this packet, as no passenger is going, but Richards follows in three or four days and shall carry them. You will think the printers all mad, Holt particularly, who has been cautioned over and over again, and would have been prosecuted, but people's minds are so inflamed about this stamp act, it would only be exposing Government to attempt it; what will be the end of all this bitterness on both sides, I own I cant see. The task may seem easier in theory than it may prove in the execution, for I cannot conceive there will be silver or gold enough to carry this Act and the high duties that are laid, through, and what shall people then do in a new country where property so frequently changes hands, must everything stagnate, and will not a universal discontent prevail. Man is man, and will feel and will resent too, even in little matters that may prove in their consequences essential. The very article of wearing what plain cloaths the country affords and being content with a plain frugal dress must affect the British manufacturers Exceedingly and will raise a riotous mob as soon as any one thing. But I've done, I am sure you must be weary of the subject.

The Mayor has received your letter, and the Speaker shall soon have his; The Assembly meets 15th Oct^r, to the great terror of the old gentleman, who sincerely, if ever he was sincere, wishes for the arrival of the new Governor, since he must come. The Colony is now more incensed against him than ever; conscious of its dislike and terrified at mobs, which to be sure are wretched masters, he has got the Fort armed beyond whatever you saw it in the height of the war; howitzers on the curtains, cannon facing the gates and the Broad Way, as if poor Montcalm was at

King's Bridge, besides every other apparatus of battle in a foolish ostentatious way as can be conceived, tho' G—— has I believe tho' of late checked it, for the old man himself said with a seeming pleasure that the guns were shot-
ted with grape "but that it was none of his doing" which nobody believed. Only think what Government is come to and laugh at us.

You will hear from the corporation and from the Assembly in due time. I fancy they will contrive to get your representation since they are not to have the Life. I saw plainly the effect letting Greenwyck would have, if done by your own approbation or order, but in the way it was conducted, the consequences were not quite so evident; how nicely tho' it tally'd by entire accident, no astrologer could have divined it better with all his art.

The bill remitted on Duncan is not paid nor, I am afraid, will be, I gave Coll^o Vaughan and him all the necessary notice and caution.

I wrote you 11th Aug^t by the Cumberland packet, and the 19th following by a ship of M^r Hassonclover's, Capt. Hunter, since which I have neither rec^d or paid anything for you. Should any hints occur to you in settling by and by with the old Gent. please to communicate them; I shall follow your directions strictly; you will be pleased to think how I am to dispose of your things in my custody. I have mentioned them to you all repeatedly, they wait your commands. The wine is very good. I don't mention this as a discharge from your service for I flatter myself you will still favour me with your friendship and with the direction of what little you may have to do in our part of the world. I mention it as a thing that may be done now without any discovery. I shall always retain a grateful sense of your many particular favors and shall always *resent* them as far as my mite will extend. I will learn too not to persecute you with such long letters, for I am really often ashamed to look over such an immense

tract as I have filled up. My respects to the family and to all friends, and believe me with the greatest truth

D^r S^r

Y^r most faithfull

& ob^{ld} Humb. Ser^t

J. W.

Inclosed is the Post Office Acc^t amounting to £67. 1. 5 a lumping matter.

We have not met to receive a communication of your letter to the Council, 'twill come with an ill grace for he says he has neither Council, Assembly, or Corporation, neither has he, to his mind — and the devil of a condition the Colony would be in, if he had, and the interests of the Crown in the bargain. Gov^r Barnard you will see in the papers, has made a most ridiculous declaration to his Council about the stamps. There is a parody of it in yesterday's paper well enough.

WATTS TO MONCKTON.

NEW YORK, 12th Oct^r 1765.

DEAR SIR,

I have none of your favours to answer nor anything to add on business since I wrote you the 24th ult. by the packet — For fear any objections should be started tell me whether you have not a right to the half of the salary and of all the emoluments of Government as usual, till S^r H. M. qualifies here, for as it is the inheritance of an Englishman to intermeddle in every body's business more than his own, I have already heard it questioned, whether the appointments to this Government did not stop upon your removal to Berwyck. How the old man understands it I dont know, but you understand the old man, and if he once

construes it in his own favour he will be bloody tough. He communicated your whole letter to the Council which was very gratefully received. Yesterday the Assembly was prorogued from 15th to 29th inst. tho' they were by their former prorogation to have met *on business*; so determined is his Honor to avoid meeting them, but pay day will nevertheless come, and the heavier by being put off. Yesterday we were summoned among other things too, to consider of Cunningham's famous appeal. His majority in Council 26th July directs the Commander in chief and Council to receive and hear his appeal with liberty for him to appeal still farther to the King in Council if he dislikes the determination here; how it will end God knows, but the measure is so unconstitutional and unprecedented that neither the lawyers or judges know how to act or how to bring it properly into Council by way of appeal as is directed. This fell like a thunderbolt upon us, we had all the encouragement in the world to hope the contrary. Even M^r Thurlow one of the King's own Counsel at law had given his opinion to M^r Charles in writing that it was unconstitutional, which we have now before us; still this unexpected direction is come upon us, not to the Governor, he has not a line, but thro' the hands of an Irish boy Cunningham's attorney. It seems as if everything conspired to make bad worse. This is more detested than the S. — A. which has made the Colonys mad already. The order is quite silent about what has passed in America on the subject, makes no distinction on the points we were contending, but as if nothing had happened, merely orders the Governor or Commander in Chief to admit Cunningham's appeal &c. Tell our friend Coll Barré, our apprehensions are better founded than he imagined and that doctrine of this kind can *as yet* be adopted in England. Committees are met from Boston, Rhode Island, Connecticut, New Jersey, Pennsylvania, Lower Countys, Maryland and South Carolina, at this place to confer on a dutiful

representation to his Majesty "for averting the evils already brought upon and still impending over America." To do 'em justice, I believe they have deputed some of their best people, and I imagine the fruits of their deliberations will be sensible and moderate enough. Brig^r Ruggles is Chairman, Otis aimed at it and would have succeeded but they thought as he had figured much in the popular way, it might give their meeting an ill grace, but it is observed Otis is now a quite different man, and so he seems to be to me, not riotous at all.

My regards to all friends, pray tell Col^l Amherst when you see him, with my compliments, the Indian Corn he wrote for went in Richards the latter end of last month. I wrote my friend Napier about the same time by the Hyde packet, I have not one line from any of my friends by this packet, the Harriot, that sailed in August and arrived about a week ago. I give this to Sir William Johnson's son whom Lord Adam Gordon takes under his wings to pass a twelve month at home. He has our absurd ridiculous papers too, I wish they may do no harm, complaining of grievances and running stark mad are two different things. I dont find any body who so much as suspect the authors of them. If it should not be disagreeable to you to extend a small portion of your usual civility to this young gentleman I am sure the father will bear a grateful remembrance of it. And pray if it falls occasionally in your way be so kind as to introduce him to my friend Napier: I have not time to write him. O how we pant for the new Governor's arrival, even tho' he should be as hot as pepper pot itself, 'tis better than the venomous stream we at present drink from.

I remain, Ever,

Dear Sir,

Y^r faithfull & Af^t Humb^l Serv^t

JNO. WATTS.

Honb^l Gen. MONCKTON.

WATTS TO MONCKTON.

NEW YORK, 26th Oct^r 1765

DEAR SIR,

I wrote you 12th inst. by Sir Will. Johnson's son who sailed in the Harriot packet and carried the (wild) papers.

The Congress is broke up, their transactions not publicly known, as decency forbids they should. How their addresses will be received, you are the best judge. I take their resolves to be pretty much upon the Philadelphia plan, with some elucidations. I mean the resolves of that Colony.

People here are kept quiet, but are thoroughly dissatisfied, the stamps are safe in the Fort, that came by Davis, If they are issued, confusion will ensue, I am afraid. If they are not twill be as bad if not worse, so you see our unhappy situation. The Government wants weight, and the good folks at home may thank themselves for it; where there is neither love, fear, or common confidence to bind, what must be the consequence?

LIEUTENANT GOVERNOR COLDEN'S DECLARATION, &c.,
ABOUT THE STAMP PAPERS, 1765.

The *Lieutenant Governor* declares that he will do nothing in relation to the Stamps but will leave it to Sir Harry Moore to do as he pleases on his arrival. Council Chamber New York November 2^d 1765

By order of his Honour

W. BANYAR D. D. Con.

The *Governor* acquainted Judge Livingston, the Mayor, Mr Beverly Robinson and Mr John Stevens this morning, being Monday the 4th of November, that he would not issue, nor suffer to be issued, the Stamps, now in Fort George.

ROBT R. LIVINGSTON
JOHN CRUGER
BEVERLEY ROBINSON
JOHN STEVENS

The Freeman, Freeholders and Inhabitants of this City, being satisfied that the Stamps are not to be issued, are determined to keep the peace of the City, at all events, except they should have other cause of complaint.

WATTS TO MONCKTON.

NEW YORK 9th Nov: 1765.

DEAR SIR,

I desired our friend Napier by Davis two days ago to acquaint you that I had wrote the 12th ult. by Sir Will. Johnson's son, and the 26th by an ordinary transport, desiring him at the same time to deliver you the 2^d of the sett of Bills I then enclosed for £150. st^s drawn by Colin Drummond on L^t Sam. Hudger and Gartners indorsed for your use. Davis carried with him a half a dozen barrels of pippins for yourself Coll. Amherst and Napier which I recommended to the Doctor's care — hush what have I said.

No money received from Pollard for you, neither the bill on Forman of the Artillery he remitted for £140. odd pounds nor the other on Duncan for a hundred and ninety odd pounds paid, though neither have been neglected. I am apprehensive he has not talents for business, too soft or too compliant, equally bad.

The old gentleman has had no time if he had inclination to pay me any thing for you, his hands have been so full, owing to his own impolitick conduct, which is bred in the bone, but allowing that a more conciliating temper and a less ungracious character would have prevented half the confusion, the state of the Colonies in general, and this, (now) in particular, is become very serious, of which the stamp act is the foundation, and that once removed would calm the storm very soon, but while at home so little attention is paid to their interests, so little delicacy or regard in filling the offices, wherein life property, and good government are concerned, such strokes, as the appeal, at the most essential libertys of a subject, carrying their estates from Juries to a submissive Court of Admiralty, they never can or will be easy, till they are either persuaded or compelled to forget they are entitled to the rights of Englishmen. The injudicious question about the power of parliament, no prudent man would meddle with, but among friends as a mere matter of speculation, rash conceited prigs and printers have done it, but are blamed by all men of reflection, yet it has become so general, notice probably will be taken of it, and the more the pity there should be any occasion, the less is said on the subject the better on this side, tis too delicate if not presumptuous. For my own part I really believe some new constitution will be formed in time between the mother country and the colonies, nothing similar to the present states offers in history. That there should be a supreme power lodged somewhere seems reasonable, but as the colonies, before a great number of years are elapsed, will exceed the mother country in numbers, would it be equally reasonable the property of the majority should be disposed of by the minority at mere will and pleasure, especially when it is their interest to throw the burthen off their own shoulders upon those of their absent, unrepresented, and of course unheard fellow subjects, must not, unless the nature of man is changed,

such a government end in oppression, then what follows — 'A propos, M^r Delancey of Maryland has printed a pamphlet here much admired, it will be reprinted at this place next week, and I will send you one; I never saw it myself, but others tell me tis the best performance of the kind.

My compliments to M^r Charles, I thank him for his letter, and shall soon answer it, at present there is no occasion, the Committee writes him fully, to him I therefore beg to refer you and to Sir Harry Seaton for the particulars of our late violent commotion. Sir H. M. cannot think when he arrives of enforcing the stamps and what can be done without them is equally perplexing.

Col^l Vaughan desires me to inclose you this letter to his brother. The old gent. has sent circular letters to call the Assembly 15th inst. but I am persuaded he is determined not to meet them. How he will dispose of himself when he leaves the Fort he best knows, I should not like his situation. You cannot conceive how much the people are incensed at his administration

I am with great truth

D^r S^r

Y^r Obl^d & faithfull H^l Ser^t

JNO. WATTS.

Honbl^e Gen. MONCKTON.

WATTS TO MONCKTON.

NEW YORK 22^d Nov^r 1765

DEAR SIR,

I wrote you by an ordnance store ship to London 26th ult. and by the Halifax Packet the 9th inst. Nothing new in your affairs, no money either receiv^d or paid.

I have sent by this ordnance transport two barrels of pippins, two kegs of pickled peppers, and a pipe of your Madeira cased, to the care of M^r Bard an officer in the 22^d. I have many reasons for sending the wine and wish you had ordered both pipes away while our port was open and it could be done safely, at present nothing is done in the Commercial way, the stamps cannot possibly be distributed and if vessels should be permitted by this and the other governments to go without them 'tis uncertain what treatment they may receive abroad, and yet go they must at all hazards or Ireland must be without its necessary supply of food, the West Indies without their food, His Majesty's fleets and garrisons without their supplies &c &c.

This, I am informed is a safe and good conveyance, the wine will be subject as usual to the duties and every other circumstance easy, which chiefly tempted me to send it.

Sir Harry seems to be an easy sensible well bred man and experienced in business ; every body likes the change extremely, indeed nobody could come amiss, so they were but rid of the old man. The first question put to the Council was, whether it would be practicable to issue the stamps, answered unanimously, no ; the next, whether they approved of reducing the Fort to its old state, it seemed, he said, to carry too hostile an appearance in a friend's country, he further proposed to throw open the gates as usual, and to give everybody free access, all unanimously consented to, and the old man at his elbow among the rest, who had been at the bottom of all these hostile preparations and unfriendly measures, the consequence is, that every body is happy and quiet, and love the one, and detest the other, to be sure the old gentleman fortified as if he had been at Bergen-op-Zoom, when the French besieged it with a hundred thousand men, which gave more offence and made people's blood run higher than any one thing that had happened. Not a cannon on the Battery, or in the fields, whether publick or private property I am told, but

is spiked as if it was to be useless to the day of judgment. Lord, what strange scenes we have had, madness and folly triumphant.

Sir H. Seaton sends you the papers, all but the speech and council's address which are not with them. You will hear soon from the Assembly, I believe, they are sitting, and must be moderated, if they should prove too warm. I find you had a detail of our late disorders, by the packet, wrote by our Law gentleman, which I did not then know as we were all in confusion. My regards to Napier, Col^{ls} Amherst, Barré &c &c & believe me still

D^r S^r

Y^r Most Af^t Humb^l Ser^t

JNO. WATTS.

The things are all directed for you in writing.

Honbl^e Gen. MONCKTON.

WATTS TO MONCKTON.

NEW YORK 30th Dec^r 1765

DEAR SIR,

I neither heard from nor wrote to you by the last packet, but I inclosed to my friend Napier to deliver you the first Bill of which you have now the second, drawn by Delancey and Watts on S^r Sam^l Fludyer and Gartners for £100. St^g dated 21st inst at 75 per ct exchange. His honor lately sent me the moiety of a quarter's salary to the 1st of June £225, and said he would settle the whole as soon as he got M^r Banyar's rec^{ts}, but how he explains *the whole*, a little time will show, he is in the country.

The Assembly are broke up, but have taken no more notice of him or the salary, from the 1st Sept. when the last support ended to 12th Nov^r when Sir Harry qualified,

than if he had been in tother world (where they heartily wish him) and wanted no salary. We talked to some of the members gravely about it, they acknowledged the reasoning, but could not be persuaded to carry it into practice, the prejudice was so great, they seemed only to lament more was not in their power. I proposed giving it to you, they said with all their hearts, not a dissenting voice, but they were afraid of the impropriety of it, still I believe it may be brought about one time or other, when people cool, for he and the Stamp Act at present are exactly alike, without a single friend.

The Custom Houses clear vessels out, certifying there are no distributions of stamp paper, which is literally true enough, all of them having resigned, and no others to be found hardy enough to accept, but in this port alone the men of war stop the shipping, unless a few that steal out by night, this sours the inhabitants greatly, and its to be feared Capt. Kennedy and they will be at odds soon, if they are not put upon a footing with their neighbours. You are happy out of the Colony, and out of America too from the ill boding aspect of things, cramping of trade, suppression of paper money, duties, courts of admiralty, appeals internal taxes &c, have rendered people so poor, cross, and desperate, that they don't seem to care who are their masters, or indeed for any masters. I expect to see this City go one day or other, it has looked extremely like it once already, contending for the stamps in the Fort.

I believe I may, for fear of accidents, as well send you Mr Drummond's third Bill on the Contractors for £150. St^g I sent you by an ordinance store ship called the Raven Capt. Scott 22^d ult. to the care of Mr Bard an officer in the 22^d Reg^t, a pipe of your Madeira, two barrels Pippins, and two kegs pickled peppers. — has paid nothing since I last advised you. The Bill upon Duncan is, I think, made good by another on the Paymaster of

Works, who is expected every day from Fort Pitt: we shall know when he gets here.

My regards to the Family and to all friends, and still believe me ever

Dear Sir,

Y^r Af^t. & Humble Ser^t

JNO. WATTS.

Pray tell Col. Amherst with my compliments the stamp act prevented his rough rice going from Carolina; I hope he received the corn by Richards the value Lord Holder-ness's steward may pay to yours if he pleases, to make short work on't.

Honb^e Gen. MONCKTON.

WATTS TO MONCKTON.

NEW YORK, 20th Jany. 1766.

DEAR SIR,

This Packet has been so long ice or wind bound, she gives me an opportunity of answering your favour of 9th Nov^r, when she might otherwise have been far advanced on her passage. Poor Duke, his death is much lamented in America, more than if half the rest of the gang had tipt, all the good ones are called away, and the bad ones left behind, as if it was designed to increase the measure of their vengeance, but pay-day will come.

By the Hope Davis, 6th inst. I sent your Account. I shall settle your affairs, all of them, as well as I can, with the old Highlander who loves pelf dearly, if possible, better than power or a ministerial smile. The man of war, in which the counter order on the appeal is supposed to be

coming does not yet make her appearance, though she sailed before this packet. We are come to that pass to be surprised at nothing, but the æra has come when a whole continent must be better used, or endless distractions will ensue, no attention is paid to them but when a job excites it. Kenmore going to govern Jamaica for robbing at the Havanna. Rogers sent to *face* a gaol *here* he just broke out of with a proclamation still open against him. Who governs our neighbour provinces. Lord have mercy upon us, as our friend says, when things are at the worst, they will mend, which I think, cannot be, till next spring, or perhaps Summer or year is over.

I always am

Dear Sir

Y^r faithfull and

Obliged Humb^l Ser^t

JNO. WATTS.

We are just come from Council. The Gov^r behaves sensibly and coolly, he lets the stamps sleep till he can hear from home. Secretary Conway by his majesty's order has wrote a most excellent letter on the confusions of America, wise, mild, and just.

Honb^{le} Gen. MONCKTON.

WATTS TO MONCKTON.

NEW YORK, 22^d Feby. 1766.

DEAR SIR,

My last was 8th inst. via Dublin with the first Bill on Treasury for £128, St^g drawn by Gen^l Gage, the 2^d is enclosed. Your Account will show you how far Pollard has

gone in his payments. I took this Bill on settling the order he sent on Duncan for £196 9 1 Curr^y. Forman says he will pay sixty or seventy pounds of the old contested Bill Pollard remitted on him, these two sums are since the Account, and £60. for the Gimcrack at the Fort I received of the Treasurer.

I have punctually delivered all your messages, Col. Vaughan and Sir Harry Seton are here well. M^r Moore has received the counter order to the appeal, which is very full and does no great honor to his *Honour* which must chagrin him much, as applause and ministerial approbation is the balsam of his soul—next to pelf.

We have been warm and disorderly here indeed, but it is our misfortune as much as our fault, no such things would have happened had you been here, but the extreme aversion to the old man's person and character rooted at the very heart, was a noble stock to engraft the stamp act upon, and it flourished accordingly.

The very great regard the people of this Colony universally profess for you, seems to inspire them almost as generally with an idea of having a filial title to your protection and good offices as if you was still their benevolent Governor. In this light Col^l Vaughan and I have been applied to for your kind intercession in their favour, by M^r Lot Low (the former Clerk of the Assembly) with M^r M^cLean, who, they think, has used them rather hardly. The general state of their case is inclosed, the particulars and vouchers lay with Mess^{rs} Sargent & Co., if, they say, any facts should be , if it is not disagreeable to you to interpose, and you think their complaint just, they with many of their friends will acknowledge themselves highly obliged to you for any countenance you show them in the affair. They dont, and I am sure I dont, mean to be forward in the matter: it is just putting it in your power, if the thing is not disagreeable to you, to offer a few good

words in their favour towards the settlement of a perplexed affair by which they have suffered greatly.

My regards to the family and all friends and permit me still to remain

Dear Sir,

Y^r most Af^t Humb^l Ser^t

JNO. WATTS.

Honb^{le} Gen. MONCKTON.

SAME TO SAME.

NEW YORK, 12th May 1766.

DEAR SIR,

I have your favors to acknowledge of the 10th March by the same packet that carries this, these swimming Posts have been pretty well work'd of late —

I shall not fail to make use of your name with the Governors of the Colonies in favor of Doctor Clossy whenever it is seasonable to do it. At present it is not, there is no opening for Anatomical Lectures, the students are so few & the funds so overcharg'd, besides we have so many of the Faculty already destroying his Majesty's good subjects, that in the humor people are, they had rather one half were hang'd that are already practising, than breed up a new swarm in addition to the old. You'll say 'tis the way to have able practitioners, it will help 'em no doubt, but bad enough of conscience are the best we breed here. Another obstacle stands in the way too, S^r James who is their Mendicant at home & has been very successful, propos'd a Branch of this kind of Education, but I don't find it relish'd at all, & tho' it might not serve him, it might dis-serve another, by throwing his name & pretensions in the way, however we shall not be unmindful of the Doctor, when any mail will go — I have a letter from Coll^o Barré &

would serve him with pleasure both for his public & private virtues, but times and seasons must be minded or we do nothing — The Colonies are extremely incensed at the treatment they have received from the Mother Country & tho' it has not had effects in one sense, it has in another, which I believe will soon be obliterated. They seem to wish Canada again French, it made 'em of some consequence, which in consequence they lost when it was conquer'd, if their reasoning be just — They certainly would not grant a man for that or any other use was it to be done over again & I had so much of it in conversation, I have no stomach left to write upon the subject.

Jarvis has at last finish'd the Beaver Coat, Jacobson of the ship Hope will deliver it to you, it cost with the case £36. 5. this Currency.

M^r Coldon tells me he has wrote to & sent you an opinion relative to the dispute subsisting between the Governors & sea officers about mercantile plunder, there is an inconsistency it seems committed at home, which it behooves each side to see clear'd up in their favor — Another late opinion has been given & printed at Boston in favor of the Governors, that I imagine M^r Barnard must be at the bottom of, it speaks so feelingly & no wonder, 'tis a pretty feather enough in the Cap of Government — they won't suffer M^r Coldon to touch a shilling now. The matter is determin'd, in which you are involv'd the one moiety.

I have deliver'd the papers & notes to Captⁿ Jacobson & remain with great regard

D^r S^r

Y^r Most Faithful

Humb^l Serv^t

JN^o WATTS.

Bradstreet is preparing to go on with some regulars, Jersey men, New York, Connecticut & Canadian Troops. Moncrief I suppose will be particular.

To the Honb^l Gen^l MONCKTON.

WATTS TO MONCKTON.

NEW YORK, 11th Nov^r 1766

DEAR SIR,

On the 12th ult. by Capt. Corner a short lived Commander of his Majesty's ship Coventry, who tacked about in the Hyde packet, I sent your Will left in my hands, which I hope he has delivered safe. This our friend Hassenclover, who no doubt you'd recollect to have recommended to me, will deliver to you, with the newspaper trumpery, which you will not inhibit. Mr Hassenclover, if you have curiosity to listen to a tale of his important visit to America, will be more able and full as much disposed to communicate it in person as I could be to write it, was I master of the Subject, which happens not to be the case. All I know is, that he has laid out by all accounts more than any other man that ever came among us, perhaps some forty, fifty, or sixty thousand pounds, has answered his engagements, well behaved very sociably and like a gentleman, and I hope has laid a foundation that in time may bear a finer superstructure, though I must in confidence own to you, I doubt it.

Davis of the ship Hope carried your ancient pipe of Madeira 3^d October—I have employed a person to see what can be done with the old gentleman about your farther rights, but I never had any great opinion of lenitives with him. He has lived too long in this world.

My regards to all friends, I have a letter from Col. Barre, which I propose answering by this packet, if I can.

The Assembly begins upon business to day. We are tried in Council about lands worse than ever. The Crown has thrown into this Colony a vast tract from New Hampshire from the banks of Connecticut westward, without

determining property as well as jurisdiction. New Hampshire had granted a prodigious deal of it, some I believe ill, some well enough. The proprietors think altering jurisdiction, neither should nor can alter property, those who are to obtain an emolument by regranting think otherwise. Some to secure a title at all events renew their grants, some are sulky and will not. Many are poor and cannot.

Adieu Dr Sir,

Yrs ever

JNO. WATTS.

EXTRACT OF A LETTER FROM LIEUTENANT GOVERNOR
CARLTON TO GENERAL GAGE, DATED QUEBEC, 15 FEB-
RUARY, 1767 (PLANT. GENERAL T. 40).

The forts of Crown Point, Ticonderoga and Fort George are in a very declining condition, of which I believe your Excellency is well informed. Should you approve of keeping up the posts it will be best to repair them as soon as possible. As you have been pleased to desire my opinion of this measure, I must freely say, that the more I consider the state of affairs on this continent, more and stronger reasons present themselves; and I am the more convinced it is not only expedient, but indispensably necessary for the interest of Great Britain and his majesty's service, not only to keep them in good repair, but to erect a proper place of arms, near the Town of New York and a citadel in or near the Town of Quebec. These with temporary works thrown up occasionally, at the other places of landing and embarking will secure the communication with the mother country, and will link these two provinces so strongly together, as will add great security to both. They will facilitate the transport of ten or fifteen thousand men at the

beginning of a war from the one to the other, as the circumstances may require. The natural and political situation of the provinces of Quebec and New York is such as must for ever give them great influence and weight in the American System: Therefore no pains address or expense can be too great to root out faction or party: To establish tranquillity and a firm attachment to his majesty's Government, at the same time it is equally essential to establish that security and strength as can properly curb or overcome, should such ever arise, who by the ties of loyal subjects and honest men, are not thoroughly bound to their duty.

This communication so established will give security to the King's Magazines, till then precarious and doubtful, *will separate the Northern from the Southern Colonies*, will afford an easy and advantageous opportunity of transporting his forces into any part of this continent, and may prevent the greatest of all inconveniences, delay and loss of time at the beginning of a war.

WATTS TO MONCKTON.

NEW YORK, 23 Feb' 1767.

DEAR SIR,

I am glad to find by your favour of 13th Dec^r that the Madeira and the will got safe, and that your account proved all very right. I have charged you for the amount of Lord Holderness's corn, paid by Col. Amherst. Napier writes me all the slippery changes, there seems to be no end to 'em; stability has forsook the land. It gives me pleasure even to hear of the meeting of our old friends at your table, but I must own it would heighten the relish very sensibly, to recover my old station, and make

one of the party, but before that happens, I believe I must prepare to make one of a party to another country, where I know much less of the hospitality than I do of your table, and where by all the stories we are told, the shadowy inhabitants are not very jolly.

His Lordship would have been happy in a solicitor, if the point could possibly be yielded up, with common self justice to the parties concerned, but they think themselves so violently aggrieved, that should it cost half their fortunes, they are determined to pursue it, as far as the law will carry them. If you choose, my dear Sir, to see the proofs they are at home in M^r Hammersly the solicitor's hands. Kennion would have been despised, but his Lordship's thunder was irresistible, nay the sufferers were put in mind of the gallows for complaining. On a summons before his Lordship to receive his dictates, they attempted to reply, but were silenced with these words "You were called to hear not to speak." Never were British subjects so treated before especially in the fair generous way they were embarked. Gen^l Amherst you will remember and you yourself encouraged adventurers to go that the fleet and army might have provisions at command, the instance being so recent in which you was reduced to eleven days. Your encouragement we took formally in writing to show we were upon a fair foundation but little expecting at that time to be plundered by a fellow subject, Kennion or any body else. Our vessel got before the port e'er the place surrendered, but was not suffered after it did surrender, to come in, for God knows how long, till the plan was formed. Some of the masters submitted from necessity, to the oppressive terms, others refused and would have gone away (particularly M^r Walton's) but were denied the liberty. Had these lawless oppressors been generous even in iniquity, it might have been forgiven or at least overlooked, but they were so cruel as not to allow at an average, the very cost and charges of the goods. M^r

Walton's vessel and Mess^{rs} Cruger's and mine met with pretty much the same treatment and I believe are the only suits that are yet commenced. They allowed us seven dollars a barrel for flour, when the Spaniard offered fifteen and upwards; nay, we prove the identical flour sold by them at that or some such price, I forget exactly, and to sum up the folly and the iniquity together they wisely allowed the master, as if to be an evidence against them, the same price for his personal adventure the Spaniard gave them, which was about the double of what their generous hearts imparted to us. Mess^{rs} Cruger's and my loss on the single cargo of the Brig^t Pompey Capt. Culgar as appears by proofs in M^r Hammersly's hands amounts I think to about nine thousand dollars still we declare for our parts, though not in the least doubting the justice and righteousness of our cause, we would rather put up with one half than be thought litigious, but reparation in some degree we must have, if there is justice in the kingdom. We recommended our master to Col^l Hale's good offices, the Colonel wrote me a letter, I could not interpret, till the vessel returned and the mystery was unfolded. "I believe" says he "you make but an indifferent voyage with your flour, but I can assure you none of it sticks to my fingers." *

The affair of the duties bears the same complexion though not so dark, nor half so important. Our money on which we could have made a considerable advantage laid out in goods and brought home, is extorted from us and kept out of our possession, to the best of my remembrance, two or three years, and for the favour done us, we must discount seven and a half per cent, instead of receiving damages and interest. We may say of these wages as South says, "of the wages of sin being death" "poor wages indeed a man cant live by", I am sure a trader

* I could not devise, what joined the ideas of his fingers and my flour together, but a bitter exposition soon taught us to our cost.

could not live by these. Upon the whole, my respected friend, as his Lordship's power and authority was undeniably the means of taking our property from us, it cannot be taken amiss if we think justice, reason, and good conscience require that the same influence should be used in restoring a part of it at least back to us. No fault lays at our door, we were fair honest traders, countenanced by government, to be of use to his Majesty's arms, if his Majesty's arms required our property, if they did not, we were no tax upon the publick, we bore our own expenses. Under these circumstances to be plundered and oppressed is an instance I believe hardly to be equalled in the English History. It might have told well enough in a Turkish government, if some dry morality had not stood in the way.

I have warmed myself, and, I am sure, tired you. My regards to all my friends within your sphere, I am always glad to hear of Col^l Hale. I wish *entre nous*, he or some other person I could name, had been conqueror of the H.—; we should not have such cause for loud complaint. Moncrieff will tell you everything passing here which is trifling enough. It remains with me, only to beg your wonted forgiveness for any inadvertences I may have committed and to assure you that I shall always think it a happiness to subscribe myself

Dear Sir,

Your most Ob^t

Aff^t Humb^l Ser^t

JNO. WATTS.

I send you Mr Walton's Answer to your letter respecting his case.

Honb^{le} Gen^l MONCKTON.

WATTS TO MONCKTON.

NEW YORK, 23^d Jan^r 1768.

DEAR SIR,

The lazy packet a day or two ago brought me your favour of 10th Oct. after the November mail had been here almost a week. My kinsman James De Lancey carried, I think my last, I hope he is improving his time seriously, a great deal of the future importance of his life depends upon it, with due attention his father's character and memory will be a rock he may build upon all his life. Even now in his absence the people are proposing him for a member at the ensuing election, and I have no doubt but that he will be chosen unless some unforeseen cross grained turn of popular humour should cast up. The old mayor, and Lisenard decline, Livingston stands, Billy Bayard has halted between the two, but I believe will determine for the affirmative when he knows two of his potent colleagues resign, in such case I am apt to think he may come in again, with Lawyer Scott, a new candidate, I mean new in this election, for now I recollect he was up before, but all this depends on popular breath, and you know how uncertain that is. The present Assembly have been frightened out of their senses. The poor old Treasurer lately dropt, whom they have indulged so long, and by examining into the finances, they find all his estate will not pay the demand due to the Colony. Happy for the family, the mother's estate remains in herself and may be a provision of about fifteen thousand pounds, when she dies, which must be very soon, as she stands upon the very threshold of tother world. The estate is supposed to be confounded by the oldest son, who has been a most rash, wilful, injudicious dealer.

Our Council now makes some figure, and has its due importance, Billy Smith in the room of his father, who was you know what, and Harry Cruger in the place of M^r Clark, who never appeared, so that we have the whole body politick well collected together. M^r Cruger was recommended by Sir Harry, but it faulted till his Lordship of Trade, discovered that his son was Sheriff of Bristol, then it cut immediately.

Oliver has had a good knock, but seems to be doing well again; it has made him a piece of clock work; Macgra says he must lower his topsails or the vessel will overset. Your old friend and obligee does nothing towards the discharge of your demand, nor do I believe intends it; if you are satisfied no doubt he is, but hang me if I should be. John Leary too owes for the horse, presuming upon your lenity, which is not fair — give the word, and justice shall go on in both cases.

I come to your late disagreeable disappointment the last, because I like it the least on your account, not our own, for we had rather have had you here ten times, than go to that oven, to be burnt up with heat and tortured to death with law. 'Tis true I own, till matters are settled between civil and military, the situation is not so eligible here, but this Colony is grown the quintessence of moderation, all its neighbours are writing inflammatory papers, while our poor printers would starve if it was not for the dirty trade of copying, which they are forced to submit to for want of originals; now and then a parson writes against the play house, because his daughter steals there, but this is not enumerated among the works of sedition.

Sir H—y has taken it in his head to find out an old instruction that forbids a Governor to repeal any law whatever past here, good or bad, unless with a suspending clause. The minutes have been traced back for forty years, and instances found in every administration where it has been practiced. Indeed it appears excessively strange

that a Legislature who passed the law should not repeal it, when it concerns the people under their government only and proves hurtful. This happens to be just the case now. An act for relief of insolvent debtors has been much abused. The Council and Assembly have sent up a repeal, but he scruples to pass it. The Jersey did so the very last year, finding the same law inconvenient. And according to this doctrine as we cant draw the nail we must not drive it, but from year to year which will create much confusion and besides by the same instruction, the 11th or 13th if I remember right, he is forbid to pass any law for less than two years. At this rate we shall have *no* laws. Good Lord, what will the world come to.

God send you happy whatever it comes to, and believe me I shall be always so in subscribing myself

Dear Sir

Y^r aff^t humb^l serv^t

JNO. WATTS.

Honb^{le} Gen^l MONCKTON.

My regards to Gen^l Burton, Col^l Barré Col^l Hale, Mr Boone, and all the other friends I have the pleasure to know of your visitors. Old Col^l Martin is here, the Speaker I mean of Antigo, a clever veteran as can be, and through M^r Warners the Att^y Gen^l, a Doctor, and the provost marshall, they have enquired after you frequently. I forgot to tell you the Assembly have chosen Lot their clerk Treasurer, who gives thirty thousand pounds good security — Simmons a member's son succeeds Lot.

The Assembly have M^r Colden's pamphlet under consideration 'tis a wicked misrepresentation of facts. He says the Council who were to advise him, laid snares for him, 'twas just the reverse; they were always obliged to be upon their guard, how could they lay snares for him, he was to propose, they only to answer.

WATTS TO MONCKTON.

NEW YORK 4th Feb^r 1769.

DEAR SIR,

Your favour of 3^d Nov^r was highly welcome to me, as every thing of the kind is I have the honour to receive from you.

The affairs between the mother country and this have been strangely conducted indeed, though I believe it scarcely possible they could have been conducted worse than the affairs of Britain itself has been, all instability and confusion; what will be the end of these things, time must discover, the prospect is not very enchanting.

Our Assembly were lately dissolved for coming to resolutions similar to the other Colonies. His Ex— it is imagined, thought to change for the better but if that was the case, his disappointment must be great, not only three of the old ones were returned hollow, but ——— Livingston the last Speaker was thrown out for taking the other side, and your friend John Cruger (former Mayor) put in his room. Jamey De Lancey took the lead and so must continue to do as long as he manages with common wisdom, his father's memory is so much revered. Our present ruler has managed his matters in such a way, as not to have gained the confidence, it is thought, of many, particularly those you would have chose to be well with. Whether it is his fault or theirs, I shant say, but they think he inclines to the meeting folks, and the difference has been carried so high by the late offensive writings, that the parties will not be easily brought to draw together. The Presbyterians or Independents as the Church writers call them, at the late election, strove eagerly in their publications, particularly in an offensive one, styled the Glorious Combination, to

unite all the dissenting congregations against the Church, under the general term of Episcopalians and Non-Episcopalians. But it would not do, they stuck to their old friends and formed a great majority, especially of the more substantial people.

I shall pay the proper respect due to your recommendation of Mr Blackbourne, our town is become so full of strangers, those who want a good connection, stand now in need of introductions, which was otherwise, but a very little while ago.

We have lost our friend Gen^l Burton, I see so we drop off one after another and mix with the rest of the race of Adam, forgetting and forgot. M^r Walton and Jamey M^c Evers are the only two of our acquaintance that I can recollect have dropt since you left the Government. Father Colden holds it as well as ever, never comes to town, but father Franks has been obliged to bow to four score years and better and is just gone. The Assembly the last sessions allowed M^r Colden the salary from 1st Sept. to 13th Nov^r, which before had been refused, but they could not be prevailed on to pay for the burnt chariot. The Gov^r set out yesterday for an interview with the Indians at Sir W. Johnson's. Col^l Morris and his Dutchers headed him two days to see the curiosity. The business is about the general boundary which it seems has not been distinctly enough settled before.

My compliments to the family and believe me with the greatest truth

Dr Sir

Y^r most aff. humb^l Ser^t

JNO. WATTS.

M^r Blackburn I find to be a virtuoso, he is often out of town and is now so.

Hon^l Gen^l MONCKTON.

ADAM HOOPS TO MONCKTON.

PHILADELPHIA 22^d. February 1769.

SIR,

In my last I had the pleasure of acknowledging your Excellencies much Esteem'd present, p Captain Hay, for which I again beg leave to give you my Hearty thanks. The great willingness that you have always shewed to Oblige, and the many favours I have rec^d at your Hands ; have encouraged me once more to bespeak your Excellencies Frienship and Assistance.

Nothing could have prevailed on me to take the liberty of giving you so much trouble at present, less than the greivous complaint of a poor, and distress'd Woman, and Family of Children. I am sure that such an object will Ever meet with your compassionate regard, and with her too I shall take the liberty of recommending to your favour, the case of a Gentleman, whom if you are so kind as to serve, I shall Ever reckon the kindness, as done to myself.

The woman I mean, was formerly the wife of Anth^r Thompson, who Erected a Tan Yard, and sundry Offices near Fort Pitt, while that Garrison was under your Excellencies Command, for the particulars I shall take the liberty of refering you to the Copy of her account, and Deposition, which is herewith Inclosed. As I was particularly requested by the Widow, and was also a particular Creditor, I took on me the Administration of her late Husband Thompson's Estate.

The Gentleman I refer'd to is M^r William Buchanan formerly a Resident in Carlisle Cumberland County, but now in Frederick County, Maryland, he is one of the first who after the reduction of Fort Du Quence, sent out goods under the care of M^r William Galbreath, to the Indian

Towns down the River Ohio, as well by the approbation of His Majesty's Commanding Officer in that Department and his Majesty's Agent for Indians Affairs, as by an Invitation with a promise of protection from those very Indians who afterwards rob'd him, with sundry other Traders of that time in their Country, of all their goods, and Effects. The Attornies of these Sufferers, to whom the Necessary Accounts are sent, will wait upon your Excellency therewith, that they may receive such advice, and Instruction, as you shall think best to give them.—

I cannot readily describe what kind of restitution we have reason now to Expect, for a certain Junto, in this place, who are concerned in these losses, have lately pursued such Indirect, Fraudulent, and Selfish Schemes, and have so Embarrassed and confounded the whole matter, that 'tis hard to tell, on what footing it now stands, I must beg your Patience, while I try to explain this subject, by a short relation of Facts. —

In the year 1765, it was reported here, that the losses sustained in America by Indian Robberies, could not be repaid out of the French prizes, taken before the Declaration of War, yet there was reason to hope, that restitution would be made in Land, as soon as the Six Nations should cede to his Majesty, enough of their Country, to answer that purpose.

In the latter End of that year, it was slightly Intimated to some of the Sufferers, by some of the above mentioned Schemers, that the Indians had agreed to give up to his Majesty, in Consideration of the Injuries they had done, all their Claim to the Country, from the Head of the River Ohio, down said River to the Mouth of the Cherokee River, and bounded on the East by the Allegeheny (*sic*) Mountains.

In March following Capⁿ. William Trent, began to make proposals, of buying up the Claims of Indian Traders for losses w^{ch} they had suffered. He offer'd, Thirty, and to

a few as far as Fifty p cent, and that only on a Condition, that a Grant of Lands should be obtained from the Indians, and his Majesty's confirmation of the same. He was very careful to send or go, to Every person he could learn had been Sufferers and were like to come into his measures, but absolutely refused to undertake for any but such as should accede to the above Extrordinary disc^t and should further impower him to sell at his discretion, the Lands which might be ceded, by which means the Sufferer might chance not get 30 nor even 10 p Ct. of the proportion to which his loss, would otherwise have entituled him out of the real value of those Lands, but no general publication was made for the Sufferers to bring in their accounts to any certain person, nor any time or place appointed for such purpose. —

Notwithstanding this Clandestine, and Inderect mode of proceeding, an Exclusive Grant of Land has lately been made by the Indians, at the great and general Treaty, held by Sir. William Johnson at Fort Stanwix. The Grantees are Robert Callender, David Franks, Joseph Symonds, William Trent, Levy Andrew Levy, Philip Boyl, John Boynton, Samuel Wharton, George Morgan, Joseph Spear, Thomas Smallman, Samuel Wharton Adm^r for John Welsh dec^d, Edmund Moran, Evan Shelby, Samuel Postlewait, John Gibson, Richard Winston, Dennis Crohon, William Thompson, Abram Mitchell, James Dundas, Thomas Dundas, & John Ormsby, and no others, the Land that is granted to these persons, is thus bounded — Beginning at the mouth of little Kenhaway Creek, and thence South East to the Laurell Hill, thence Northward along the Hill, to the Waters of Monangehela, then down said Water, till it meets the Southern Boundary of Pennsylvania, then along said line, as far as it extends, and from that West, as far as the Ohio, and down that, thence to the place of begining, or words to this import. This is said to be granted them as a Compensation for the particular losses they sustained by the

Indians, in the year 1763, only. The terms and purport of this Grant which appears from the Compromise above mention'd of most of the grantees to be intended for the particular Emolument of a very few of these grantees only, and that to the Exclusion of all other Sufferers by Indians, and absolutely omitting the Sufferers in former years, the whole Execution of this Indirect Scheme, greatly alarms the other Sufferers, some of them who had been Sufferers, Even in the year 1763, having furnished Capⁿ Trent with their accounts, had them returned for no other cause, than their refusing to sell out their Claims, for the uncertain Chance of $33\frac{1}{3}$ p Ct.

In consequence of the above proceedings of Mess^{rs} Trent, Wharton &c. the Merchants here in behalf of themselves, and Traders who suffered by Indian Robberies, at the approach of the last War, have remonstrated to his Majesty in Council, praying, That if his Majesty would be pleased to confirm such Indian grants, he wou'd only give it to some person or persons in Trust for themselves and others who suffered by means of French and Indian Depredations, made on his Majesty's Subjects in America, from 1750 to 1763, or that he would be pleased to grant such other relief as to his Majesty might appear most expedient. Now if it were certain that the first part of the remonstrance and Petition of these persons woud be granted we would have spared you this Trouble, as in that Case, we should have shared Equally with other Sufferers, But perhaps a Special Grant of Land to these Petitioners out of the new purchases may be chosen as the alternative, in which case, our Attorneys have Instructions to apply for the like grant for us, and for that purpose, as furnished with a Description of the Land, we expect may be granted.

Inclosed are a few remarks which I have drawn up, in conjunction with Mr. Buchanan, the Gentleman mentioned above, who has a pretty general acquaintance with the State of our Colonies, perhaps they may furnish you with

hints, which you may improve to some valuable purpose, If it shou'd any how tend to his Majesty's Interest, the relief of his Subjects, or your own private Emolument, I shall count myself fortunate in having communicated them.

I remain with respect

Your Excellencies

Most Obliged Humble St.

AD^{rs} HOOPS.

To His Excellency Gen^l MONCKTON.

A. HOOPS AND W. BUCHANAN TO SAME.

PHILADELPHIA 22 February 1769

SIR,

From your Excellencies acquaintance with this Country, or from a Transient view of any good Map of North America, you may observe that the Lands lately ceded to his Majesty Southward of Fort Pitt, from a very large Tract of Country, which will doubtless claim his Majesty's particular attention, the more so probably at this time, when Independance, in regard to manufactories, seem to be our avowed Sentiments, it will certainly be consistant with the Policy and Interest of Great Brittain to encourage the Settlement of our New Countries, as that will encrease our demand for your Manufactories, and draw our attention from that of our own.

But it does not seem probable that this new Territory can be Peopled to advantage without erecting a new Government on the Ohio, it is so far distant from the Capital of Virginia, that the continuing under that Government, would subject its Inhabitants to Inconveniences not easily to be born. And as to any more Proprietary Governments, they are neither expected, nor wish'd for by Ameri-

cans. Therefore we shall suppose it a Royal Government (if any) and for the settling of which, that his Majesty is not only desirous, but willing to give proper encouragement in the Land way, and some necessary aid to the first adventures; If this be resolved upon, the following Measures is thought wou'd greatly expedite the Settling of that Country, lessen the National Expence usual in such Cases, tend much to its security in case of any future rupture with the Indians, and at the same time be an Exercise of Justice, and Humanity to many of his Majesty's suffering Subjects. And that is, That the losses or some fix'd proportion thereof, sustained by the Frontier Inhabitants, as well as the Traders, of Virginia, Maryland and Pennsylvania, after being properly Examined and Liquidated, by Persons appointed for that purpose, be paid them in Lands in the New Colony, at a Moderate price, on Condition of their settling the same, in a Limited time; on these Terms many Thousands wou'd flock thither from the Frontier Settlements, and many who fled from thence into the interior parts, in the time of the late war, and unable since to return, by reason of the losses they sustained by the Enemy, would become Adventures to this new Country. These people having been accustomed to hardships and frequent conflicts with the Indians, will be proper Inhabitants for a new Frontier Colony, while their places will be occupied with Emigrants from Europe, and the Interior parts of the Country.

The number of Sufferers, and their demands for Losses, woud no doubt be very considerable, but there is Land enough for them all, and cannot well be better disposed of. Some few of the Suffering Traders are Solliciting very large grants in this Country, & to be under no limitation for settling the same, others more equitably Pray, that such grant, or grants, be made to some person or persons, in trust for the Sufferers in General, if these Gentlemen were meant by Sufferers in General to include the Frontier In-

habitants, and the restitution to be granted to the Individuals on Condition for settling, it will answer the end proposed, but if only the Trading Sufferers are to be understood in this case, A Restitution made them in Lands, will naturally fall in large Tracts, into the hands of a few of the ablest Merchants, who being under no Engagement as to time of settling will keep it up for an encrease in value, and thereby effectually prevent the peopling that Country. But as we have no Right to construe or interpret these Gentlemen's words, otherwise than their literal meaning, we will return thereto, viz. That such grants be made to person or persons in Trust, for the common use and benefit, as well of your Petitioners as of all others who suffered by means of French or Indian Depradations committed on your Majesty's Subjects in America from 1750 to 1763.

Now the quantity to be granted, and the person, or persons to whom such grant is to be made in trust for the Sufferers, seem to be the principal things to be determined in the proposed scheme, and on this determination the whole depends, as to the first we are of Opinion that the whole Boundary would be well bestowed by his Majesty on any Gentleman who would engage for the settling of such a Wilderness, and at the same time parcelling out such a part of it, as might be a Reasonable Compensation for the Sufferers by Indians, in the late War. As to the Second we humbly presume it is a subject that deserves your Excellencies speculation, whether such a grant would not be worth your acceptances. Many of the Sufferers have express'd great Satisfaction in the Hopes of your receiving this grant, and we are fully of opinion it is worth your attention. But in case the Land should be granted in Trust to several persons, tho' we cannot flatter ourselves with being of that number, yet whatever Quantity his Majesty through your Interest, shall be pleased to allow, we shall readily undertake the settling of it, in any reasonable time that may be proposed.

In case your Excellency should be concerned either solely, or in company, we beg leave to assure you, that we shall chearfully render you every service in our Power, and be happy in Every opportunity of convincing you, that we are with respect,

Your Excellencies

Most obliged Humble Sts.

AD^M. HOOPS.

W^M. BUCHANAN.

To His Excellency General MONCKTON.

RIOT AT PHILADELPHIA, APRIL, 1769.

A REPRESENTATION OF YE BEHAVIOR OF THE MOBB AT PHILA.
APRIL 1 1769, TO THE HON: BOARD OF COMMISSRS. BY WM.
SHEPPARD.

Boston, April 1769.

HON^L SIRs,

Having obtain'd the Inspector General's leave of absence for the recovery of my health, I returned here on the 13th instant, I now in obedience to your commands signify'd to me, when I had the Honour to attend the Board, do lay before your Honours the following account of the disturbances which happened at Philadelphia viz.

On Saturday 1st instant about Ten o'clock in the morning a seizure was made by the Collector in consequence of an order from the Inspector General of near fifty pipes of Madeira Wine, which was lodged in a store belonging to M^r Andrew Hodge, — the supposed owner of the wine was one Capt. Caldwell. In about half an hour after the seizure was made, I received a letter from the Inspector General directing me to attend my Duty. I shew the same to the

Collector, who required me to go to the Store where the wines was, and take an account of the number of Casks therein, he gave me the key of the padlock which he had put on the Dore, when I got there I took the same off, but found the Store fastned with the lock that was on it before the Collector made the seizure, Upon which I went to Mr. Hodges House to get the key of the same, but was told that he was not at home, and that they did not know where he was. I asked the Family for the key, but they said it was not in the House, and that they did not know who had got it— Between 11 & 12 o'clk I waited upon the Inspector General and acquainted him that I had great reason to suspect that it was the Intention of some of the Inhabitants to rescue the Wines from the Officers, he told me that he would take care to prevent it, I informed the Coll^r of my not being able to get the key of the Store, and with my apprehensions of the design of the Inhabitants, and recomended the wines being removed as soon as possible, He told me that he had no Stores to put them in, & that if he had it was not in his power to get it removed on account of the rain — the rain was over about four o'clock in the afternoon, when the Collector went down to the Store, but was denied admittance therein by a man unknown who had armed himself with Pistols, & swore that if he pretended to enter it he would blow his brains out or words to that effect, upon which the Collector retired and went to the Chief Justice & procured a writ of assistance, and a number of Constables to assist him in the execution of his duty, and they returned to the Store about five o'clock in the afternoon, but they were not able to afford him any help, the Mobb being so numerous, they ordered the Constables off of the wharf, though I think they tarried there long enough to read the Riot Act or Writ of Assistance, but which I do not know — they likewise prevented the Collector's executing his Duty obliging him to go away, swearing they would shoot him if he attempted it, they

pelted him with Stones, Glass Bottles &c. one of which struck him in the lip and hurt it considerably, it was by this time near Dusk, the Collector not being able to proceed in the Execution of his Duty, communicated the same to the Inspector General, who thereupon waited upon the Governour & made him acquainted therewith, and renewed his desire for support & assistance, having about 5 o'clock wrote to him on that subject — This procured an order for Capt^t & 50 men to assist the King's officers, but they did not get to the Custom House till ten o'clock that night, near an hour before which, the Lock which the Collector put on the Store was broke off by the Mobb, & the Door forced open and all the Wines therein taken out, and put on board three Lighters or Shallops and carried up the river, all the time they were transacting this matter they swore revenge and destruction against me taking it for granted that I was the cause of making the seizure — some time in the night a number of people went to the Custom House which is held at the Collector's House, where M^r Williams lodged & broke many of the windows — there being one or two Constables in the House they run out & took three that was concerned in the act, and secured them in Goal, since which they have been tried & found guilty, one of them was fined £25 — the other two five or ten pounds each — on Sunday 2^d instant I found in the necessary House Belonging to my Lodgings the following abusive Letter directed “To the infamous Scoundrel Sheppard — altho I sign no name yet I sware by God Almighty that I will be revenged on you for this day's affair and put it out of your Power ever to hurt any body else for the future, believe what I say.” I gave the Inspector General M^r Williams the above Letter who told me he would show it to the Governor — The affair of the seizure was matter of conversation all Sunday Every body inveterate against me, saying they were sure it would not have happened if I had not informed the Collector thereof — some particular

persons told me they thought it would be dangerous for me to venture out, the Gentleman that I boarded with was advised not to let me tarry in his House, that if he did it would be in danger of being pulled down, but he kindly said that he would run the risque (sic) of it — I could not be persuaded that my person was in danger, and thought that if I appeared to be intimidated the Inhabitants would think it arose from a consciousness of Guilt, I therefore went out as usual — I spent the evening out taking care, for fear I should be insulted to put a pair of Pistols in my Pockets — Upon my return home about a Quarter past Ten o'clock two men of a sudden came up to me, one of them without saying a word to me, struck me as hard as he could in the pit of my stomach which immediately deprived me of breath and I fell down, he took the advantage with some weapon I apprehend a knife & slit my nose. I suppose his intention was to slit it up to my Eyes, he did not altogether succeed in this, tho he did in part, having cut the inside thereof considerably and more than a quarter of an inch clear through. I received several blows upon my face which bruized it greatly, caused a large swelling, while this piece of cruelty was transacted I recovered strength enough to endeavour to defend myself — I got my right hand into my Pocket, and cocked the Pistol that was in it, intending to discharge the same at him through my Pocket, but as soon as he heard the guard of the Pistol spring back he run from me, I upon his retreat fired it at him but am uncertain whether I hit him or not, am apt to think I did, I can not hear or find out who the person was. I lay some time upon the ground being faint with the Blows and bleeding considerably at last got home. The Family was much frightnd seeing me very bloody. When I had recruited a little, I waited upon Mr. Williams accompanied by Mr. Hill, and his servant armed, to know what I should do. Mr. Hill acquainted him he had received a message from Mr. Hodge delivered by his son, that if he

harbour'd me in his House he would be in danger, and that if the Mobb came he would recommend to him, to consent to let some of them go over his House, to see if I was in it or not, this message was delivered about three Quarters of an hour before I received the abuse above-mentioned, M^r Williams and M^r Swift procured a number of Watchmen belonging to the City to guard the House that night — the severity of the Blow that I received in my stomach was so great as to cause me to bring up a considerable Quantity of Blood the next morning but one. I have had a constant pain in my Breast ever since besides a kind of inward favour (sic) which hangs about me, no appetite to my victuals, and spirits very much depress'd — on the morning of the 6th instant I was advised to let blood, which I consented to, and was in hopes it w^d have made me feel better but was disappointed — I could not think of tarrying among a sett of People under my present circumstances whose greatest pleasure would be to have an opp^o of burying me — The few acquaintance that I had at Philadelphia were afraid of being seen to keep company with me; that so I was in a manner alone in the City without a Friend to assist me in any Trouble. I was obliged to confine myself at home a nights, as I did not know what murderous intentions the people had determined to execute against me — As I passed through the streets I was the object that every body stair'd and gaized at. I at present think myself unable to persevere any longer at Philadelphia for the Trouble & abuse I meet with their appears to be impossible for me to encounter with, and yet my desires are so great to be continued & fixed in it, that notwithstanding their opposition I cant think of quitting the field — therefore if the Hon^{bl} Board should think it most for his Majesty's service to order me to return I am determined to obey them, if the consequence should be the loss of my Life, which I really apprehend may be the case, M^r Williams acquainted me that he had recomended to the Board

that a number of officers be made at Phil^a if the Hon^{bl} Board should think proper to appoint them, the Inhabitants would think that I was the procuring cause of them, which if possible would make them more inveterate against me — If the Honourable Board should think it best not to order me to return I hope they will be pleased kindly to take into consideration the abusive treatment I have received for exerting myself in order to prevent his Majesty's being defrauded of that part of his Revenue which is due to him at that port, and make such provision for me elsewhere as they in their great goodness may think I am deserving of — Whether the Gov^r has or intends to do any thing in consequence of the abuse that I have rec'd. I know not — M^r Williams acquainted me that the Merchants had so far interfeared in the affair of the wines, as to engage that they should be all returned back to the Store from whence they were taken, and that he and the Coll^r had promised them if that was done no further notice should be taken of the Behaviour of the Mobb on Saturday evening — M^r Williams engaged that I had not nor would not represent the behavior or Treatment I had meet with if the wines were returned, this request I think the Merchants ought to have applyed to me to grant, but as M^r Williams had given his Honour that I should not write any thing of the matter I did not — I dont mean to cast any reflection upon M^r Williams for I dare say what he did he meant well in, yet I cant but say that I think the behavior of the people in general on Saturday night & on the Sunday night following when I was so injuriously treated to be of too high a nature to be hushed up — Notwithstanding the Merchants agreed to return the same wines that were taken from the Store as far as possible, they did not do it till five or six days after & then returned not near the Quantity that was taken, and instead to delivering Madeira wine it was no better than mean Fyall as Mr. Swift the Collector declared who tasted of

them, and said that it was his opinion they would not fetch more than the cost of condemnation & sale — M^r Williams when he was informed of this declared that he would not receive them, and that he would make a full representation of their conduct — I left Phil^a the day after the wines were set^d & so am unable to give any account of what took place after I came away — I have thus endeavoured as faithfully & truly to represent to y^e Board the Conduct of y^e People at Phil^a in consequence of y^e seizure on y^e fifth Inst. as nearly as I can recollect — If I should be wrong in some particulars tho I believe I am not M^r Williams will more correctly & fully acquaint the Hon^l Board, which he said he should do very soon after I left Phil^a —

I am Hon^{bl} Sir

With the greatest regard &c.

WILL. SHEPPARD.

GOVERNOR EDEN TO LORD HILLSBOROUGH.

ANNAPOLIS MARYLAND friday

23 June 1769.

MY LORD,

That I may not lie under the imputation of neglecting to give your Lordship the earliest information of any important occurrences in this province I inclose your Lordship a copy of the Resolutions of a self-summoned Committee from most of the Counties of Maryland. They met at a public house in this town the 28th inst. and the two following days and could hardly agree among themselves what articles from England should or should not be made use of. I was in hopes that from the dissensions among themselves the meeting would have come to nothing

or I should have taken notice of it in my letter to your Lordship of the 21st inst. No. 1. Though several of the Deputies were members of the Lower House of Assembly, yet, as their meeting could only be looked upon as a private one, I could not possibly interfere, and am really of opinion it will lose its Consequence by not being taken notice of. Among the enumerated articles in the inclosed list there are many they cannot possibly do without; and as soon as necessity breaks through one Article, interest & convenience will soon set aside the others.

As the whole of this has been treated by me as a private transaction (which as Governor I was unconcerned in) I submit to your Lordships superior judgement, *whether you will take any notice (officially) of having received this information from me.*

Without his Majesty's express orders for that purpose, signified to me by your Lordship, or instructions from the Lord proprietary, I shall not at the meeting of the Assembly make mention of this Convention. Taking notice of it would probably induce them to repeat their Resolves when legally assembled, and I am in hopes they will now rest contented and the Session go off peaceably.

I am &c.

ROBERT EDEN,
Gov^r of Maryland.

Y.y. 76. Recd. 6 Dec^r 1769 —
The printed Resolves 22 June 1769.

WATTS TO MONCKTON.

NEW YORK, 12th Sept. 1769.

DEAR SIR,

Sir Harry Moore died yesterday after some days illness of a mortification in the bowels. Today Mr Colden is expected in town once more to take upon him the adminis-

tration of the Government; He fairly lives himself into office, being they tell me as hearty as when you knew him. I never saw him since he left the city upon Sir Harry's arrival, and retired to Long Island. A fine mess of potage is left behind for him by his predecessor who had not time to go through with the grand land matters that were upon the carpet. The old man seems to be the son of fortune in his advanced years.

The next office in government will soon be vacant too, *your* old chief justice having been at death's door with a flux and I think will hardly ever get abroad again. I went to see him upon this event, but he was so low M^{rs} Horsmanden did not choose it should be mentioned to him.

My friend Napier I suppose, is taking the country air, not having heard from him lately.

My respects to Col^l Barré, Col^l Amherst, Col^l Hall, and all the friends I have the honor to know of your circle.

I ever am

D^r Sir

Y^r Aff Humb^l Ser^t

JNO WATTS.

The Council is quite full at present.

The Honb^l Gen. MONCKTON.

GOVERNOR EDEN TO LORD HILLSBOROUGH.

ANNAPOLIS, 23^d Nov. 1769.

MY LORD,

I had the honor of informing you that the Session of Assembly was opened on friday last the 17th inst., contrary winds having prevented a sufficient number of members meeting on the Tuesday before, to which day they stood

prorogued by proclamation. Your Lordship will see by the addresses from each house in answer to my speech all of which are inclosed, that there is a pleasing appearance of harmony here.

I communicated the intentions of the Ministry to the province by the Channel of the Gazette immediately after I received an account thereof from your Lordship and shall shortly repeat it by a Message to the lower House, if thought necessary by the Council.

By their advice I did not touch upon it in my speech, having great reason to apprehend that some of them would Express their dissatisfaction at any part of the late revenue act remaining unrepealed. They say that, whilst the duty upon Tea continues, it may serve as a precedent for laying others. If Sixpence pr pound at home was reserved from the drawback instead of three pence collected here, their minds would be relieved from the apprehensions they are under on that account. Your lordship may depend on my taking the greatest pains to confirm them in the belief of your assurances that it never was the design of his Majesty's present Administration to lay any further duties for the purpose of raising a revenue in America. On the whole I think I may venture to assure your lordship that we may shortly expect an end of our troubles in this part of the world. Tranquility seems to be returning; Lord *Botetourt* has the same pleasing prospect before him; Is very much liked in Virginia and has great reason to expect that the Session which was opened on Tuesday the 17th inst. will be got over smoothly.

I am &c.

ROBT EDEN.

GOVERNOR EDEN TO LORD HILLSBRO'.

*Brig Good Intent sent back.*ANNAPOLIS 21st Feby. 1770.

MY LORD,

From my Situation here as Governor of this province it is incumbent upon me to give your lordship immediate information of a late transaction of a Committee of the associators here relative to the Brig Good Intent, William Evrington, chartered by John Buchanan Merchant in London with goods to Sundry Merchants here.

Previous to the arrival of the above Brig Mess^{rs} Dick and Stewart Merchants in this City, and attorneys in fact for Mr. Buchanan, gave notice in our Gazette that such a Vessel was Expected and that no goods should be landed for twelve days after her arrival in order to allow a free inspection of her papers &c; for which advertisement I refer your lordship to the inclosed Gazette of the 25th January.

In consequence of this advertisement very soon after the Vessel arrived, four Commissioners from each of the three Counties principally interested in the importation met here; for whose resolves (in Consequence whereof the Brig returns to England) I also refer your lordship to the other inclosed gazette of the 15th instant.

I think my Lord I can venture to assure you, that this step of the Committee, far from being the general sense of the Province, has not been attended with the approbation they Expected. The Merchants concerned from their Situation, were obliged to comply with the determination of a Committee, whose Election perhaps was partial & hasty, whose resolution was not unanimous, and which I really

believe the most violent of them are now sorry they entered into, although they are ashamed to recant.

I can give your Lordship but little information of their proceedings, except from the inclosed prints; they were so close as never to allow more than one of the Merchants concerned to attend them at a time.

As soon as the issue of their deliberations were made public I endeavoured as my duty to my Sovereign and the Colony required, to persuade them to reconsider the matter and for that purpose laid before some of them Extracts of your lordships two last letters to me, but could not convince them of the impropriety of their conduct on this occasion, when they have the greatest reason to expect, that the act they complain of as a grievance is already or shortly will be repealed.

The arguments had no Effect and the Brig sails tomorrow for England, liable to be seized in the first English Port she Enters for carrying back India Goods and other things contrary to the condition of the Bonds given on shipping them; liable also to actions on every bill of lading given by the Captain who could act no otherwise than he has done any more than the Merchants concerned.

I will just beg leave to observe that Mr. Buchanan signed the City address, which gave great offence to many of his Employers here. How far that may have contributed towards the virulence of this proceeding, I will not take upon me to determine, although the Committee calls this premeditated design to subvert the association.

The Collector and Surveyor of this Port Mess^{rs} Calvert and Eddis have wrote fully on this head to the Commissioners of the Customs in London, who probably will apply to your lordship for your directions how to act with respect to the vessel. I can only say, my Lord, that the Captain was obliged to act as he has done, and that as neither he nor his Employer are to blame the compulsion upon them will I hope Entitle them to some indulgence.

I will send your Lordship the pamphlet advertised at the bottom of the above account as soon as it comes out,

I have &c

ROBT. EDEN

Gov^r of Maryland.

Prop. Z.

Maryl. Gazette 25 Jany. 1770 —
15 Feb. 1770.

GOVERNOR EDEN TO LORD HILLSBRO'.

ANNAPOLIS 7th Aug^t 1770.

MY LORD,

I have had the honour of receiving your lordship's letter No. 17 which gave me the greatest satisfaction, as it conveyed to me his Majesty's gracious opinion of the temper and Moderation shewn to the Maryland Assembly this last Session and his approbation of my past conduct which it shall ever be my earnest endeavour to merit a continuance of.

Should his Majesty from your lordships recommendation be at any time graciously pleased to honour me with a Lieut. Colonels Brevet I should be bound ever to consider it the highest favour. I served his Majesty fourteen years and was abroad most part of the last war and my predecessor without a superior claim obtained the rank I now solicit.

By Capt. Lynch I had the honour of transmitting to your lordship the proceedings of the General Assembly since my arrival with copies of the laws Enacted the last year. Against the next vessel sails I will collect and transmit to your lordship the journals required since 1763 and the Copies also of the laws enacted during that period and shall take care that they are more punctually sent for the future.

I have &c.

ROBT. EDEN

Prop. Z.

GOVERNOR EDEN TO LORD HILLSBRO'.

*Good Intent sent back to England—Appologies.*ANNAPOLIS 19 Aug^d 1770

MY LORD,

I have the honour of your lordships letter of the 12th June ulto. on the subject of mine of the 25th february respecting the proceedings of the Committee of the arrival of the Brigantine Good Intent from London. Permit me again to observe to your lordship that Mess^{rs} Dick and Stewart, Consignees and importers of goods in this Vessel and the Agents and Attorneys of Mr. John Buchanan Merchant in London, the owner or rather the Employer of the Brig, by their advertisement in the Maryland Gazette, solicited as a favour, that a Committee from the three Counties concerned would meet at Annapolis for the very purpose of having a full and strict examination made, whether the goods had been shipped contrary to and with an intention to counteract the general association of the Traders and other Inhabitants of the province.

The determination of the Committee thus convened, in consequence of the solicitation thus publicly and earnestly communicated was (I believe) contrary to the expectation of the importers and agents of M^r Buchanan; and I informed your Lordship of the step I took to prevent that determination, the only steps as far as I am able to judge that I could take with propriety. The Importers and agents submitted. They had their reasons. They chose rather to make an immediate sacrifice of their interests than not stand fair in the opinion of those on whose esteem their success in business depended. No complaint or application was made to myself or any other person in Office of

injury or for protection from the Merchants, or from his Majesty's Custom House officers. No disorder or outrage was committed or even threatened. It is, my Lord, my earnest desire, my determined resolution to do my duty. It ever has been, my lord, and when I fail in it I shall have the excuse of being mistaken ; but that I wish to avoid and therefore to know how it was in my power or would have been in the power of any Governor in America, whether of a Royal or proprietary province to hinder the importers of goods from reshipping them, to prevent their acquiescence under the decision of a Committee they called for themselves and appealed to. They had their motives, such as was natural to men in their circumstances, such as the authority of no Government could control.

Associations have been formed, Committees have been appointed to examine the conduct of those who have engaged in them and goods imported into America have been re-shipped. But, my Lord, these circumstances are not peculiar to Maryland, and are therefore your Lordship must allow me to remark, no indication, that the authority or vigour of government is less influential here than in the provinces to the Northward or Southward ; They only prove my Lord, that Maryland has not been so happy as to escape the flame of discontent which has overspread the other Colonies.

It is no small mortification to me that your Lordship should think the measure adopted by the Merchants of remitting the Vessel and goods to London to have been owing to any peculiar want of vigour in my Government. How soon there may be a similar occurrence I cannot foresee, nor consequently how soon I may again be obnoxious to the censure of not exercising the powers with which I am vested ; for to myself I must take the censure of the want of vigour, and not seek for excuse in the incompetency of my official authorities, should the laws be violated and redress withheld from those who are entitled to it.

Had your lordship been pleased to point out in what manner Government ought to have interposed, I should more clearly see, by comparing my conduct with your Lordships sentiments, wherein I failed in point of duty and be prepared to guard against the appearance of remissness upon any future similar occasion.

It is not, at least I think it is not in my power, to do more than lament, that the unhappy differences subsisting between Great Britain and her Colonies are not at an end, which I fear the partial repeal of the Revenue Act has not effected. That they may soon subside is my lord the sincere wish of &c.

ROBT EDEN

Prop. Z. 4.

AN ABSTRACT OF HIS MAJESTY'S INSTRUCTIONS TO LORD DUNMORE.

ARTICLES.

1. Commission to be issued herewith — Eleven Councillors appointed.
2. Commission to be published and oaths to be taken by members at the first meeting of the Council.
3. Oaths to be taken by members of the Assembly, Judges, civil officers, &c.
4. Instructions to be communicated to council.
5. Council to have freedom of debate.
6. Not less than Five to be a Quorum.
7. Upon vacancies the names of three persons to be transmitted.
8. Vacancies to be filled up by the Governor to the number of nine.
9. Councillors & other officers to be of good life &c.
10. No Councillor to be suspended without good & sufficient cause.
11. Certain absences to be cause of suspension.
12. Councillors to be amenable to justice, except when Assembly is in session.
13. No Act for raising money by publick or private lotteries to be assented to without king's authority & permission.
14. Directions forbidding acts of Assembly altering the number & qualifications of members or duration of the Assembly.
15. Members of Assembly protected from arrest of person during session only.
16. Rules prescribing the form & style of enactments, different matters to be provided for by different acts, without intermixture of matters foreign to the title of the act, and repeal of acts to be by special act & not by general words.

17. No Act once refused to be reenacted without express leave from the King nor any law to be repealed without kings approbation.
18. Acts of an unusual & extraordinary nature not to be in force without kings approval.
19. Prohibition of acts affecting private property, without publick notice in the church of the parish where the premises lie.
20. Directions for money bills, — keeping publick accounts — grants of money alway to the King.
21. Money to be issued only by Governors warrant with advice of the Council.
22. No clause to be inserted in any law for levying money or the value of it, unless the same be made liable to be duly accounted for to the King or his officers regular books of account for Receipts & payments to be kept and verified on oath and copies sent to the Secretary of State in England.
23. Gifts & presents to Governor &c from the Assembly not to be received.
24. Laws imposing duties upon Wines or strong liquors to continue for not less than one year. All others for supply & support of Government without limitation of time.
25. No duty to be laid on provisions or victual for the use of ships of war.
26. Bills of credit not to be issued without Kings approval.
27. Discriminating duties more advantageous to Inhabitants of Virginia than to other British subjects prohibited.
28. Duties on Negroes or Felons imported prohibited.
29. Copies of all Statutes &c within three months after passing.
30. Abstracts of same in the margins with date of passage & assent, & observations.
31. Do of Council Journals, “ to be transmitted to Sec^r of State in England.
32. Transcripts of all Journals of proceedings, with marginal abstracts to be required of the clerk of the Assembly.
33. Acts of the 6th of Anne containing rates of foreign coins, to be observed.
34. No law to be enacted for setting up any Manufactures or carrying on any trades which are hurtful to this Kingdom.
35. Frauds in collecting 2^d duty on Tobacco to be prevented or punished.
36. Accounts of said Revenue to be transmitted semi-annually.
37. A Court of Exchequer to be called for Revenue cases, when necessary.
38. No new Court to be established nor any to be dissolved without orders.
39. Justice to be promptly and impartially administered.
40. All orders in Courts & the Council to be read & approved, before recorded.
41. Appeals from Courts to Governor & Council and thence to King & Council.
42. Do also to King & Council in cases of Fines above 100£ sterling.
43. Fines & Forfeitures above 10£ not to be remitted or disposed of but by King's directions.
44. Forfeitures & Escheats — value to be ascertained by a Jury & disposed of by King & in hands of grantee to be subject to quitrents and laws respecting seating & cultivation.
45. Judges & Justices of the Peace to hold office during pleasure. Three members of the Council to concur in their appointment.

46. No officer or minister to be displaced without good cause, signified to the King.
47. No person to execute more than one office by deputy.
48. All fees & salaries to be moderate — Tables of — to be exhibited in public places.
49. Directions relative to suspension of Deputies of Patent Officers.
50. Secretary of the Colony & his clerks — to be reported on to Secretary of State and to be under oath for faithful performance of duty.
51. Governor not to appoint to offices held by royal patent.
52. Custom house officers not to serve on juries, nor in the militia.
53. Amount of Courts &c with expences & means of defraying same.
54. Not more than 1000 acres of land to or in trust for any one person.
55. On the return of each survey of land, a patent to be immediately made out & passed and each Surveyor to make return of his surveys.
56. Proper Surveyors to be appointed & sworn — General Survey and an exact map to be transmitted.
57. Quitrents to be carefully collected and an account transmitted of all holding above 20,000 acres.
58. No part of the Quitrents to be issued out but by King's order.
59. Indians to be kindly treated — trade with to be encouraged, & fraud of traders prevented.
60. Lands, not exceeding 1000 acres, by licence may be purchased by any person, of the Indians.
61. Directions carefully to exercise the powers of Vice Admiral.
62. Fees in the Virginia Admiralty Court not to exceed those in England.
63. No letters of Marque or Reprisal to be granted against States in Amity.
64. Governor & others empowered to try Pirates.
65. Do to aid in his office the Receiver General of the royal perquisites in Admiralty, and account for & pay over to him the same including effects of pirates.
66. Liberty of conscience to all peaceable & inoffensive persons except Papists.
67. God Almighty to be duly served according to the rites of the Church of England.
68. Churches already built to be well kept, new ones built as the colony improves — Ministers to have a house & land granted.
69. No minister to be preferred without a certificate from the Bishop of London.
70. Every orthodox minister to be one of the vestry, — no vestry to be held without him, unless voluntarily absent or in case of sickness.
71. All ministers who officiate to be in orders, or reported to Bishop of London.
72. Bishop's ecclesiastical jurisdiction to be encouraged, but collating to benefices, granting marriage licences & probate of wills reserved to the Governor.
73. No schoolmaster coming from England to keep school without the Bishop's licence, or now there or coming from other parts to be allowed to keep school without the Governor's licence.
74. Table of marriages to be hung up in every Orthodox church and to be strictly observed as required by the Canons of the Church.

75. Vice and immorality as proscribed by late Bishop of London to be punished.
76. Actual number of Inhabitants including Slaves to be transmitted and a yearly account of their increase or decrease and the number fit to bear arms.
77. Number of negroes and rates at which sold to be transmitted.
78. No Articles of War or law Martial to be established or put in execution without the consent of the Council.
79. State of defence and military supplies of arms ammunition &c and what deficiencies in works or stores should be made good — to be transmitted.
80. Fit Storehouses for keeping arms ammunition & other public stores to be provided throughout the Colony.
81. Recommended that Assembly pass a new Law imposing a duty of powder on all vessels coming into the Colony.
82. Surveys ordered of all considerable Harbors & Landing places, and Fortifications to be erected therein with advice of the Council.
83. To assist other Colonies in distress with what you can spare, upon their application.
84. Cautions about letters sent by ships in time of war — to be put in a bag with a weight sufficient to sink them, and to be sunk, if necessary, to prevent their falling into the enemies' hands.
85. Trade & correspondence of Merchants & Planters, in time of war, with enemies to be hindered.
86. Account to be sent from time to time of the wants & Defects of the Colony, what its chief products, new improvements, made, or desirable, and what advantages by trade may be gained.
87. Governor, with advice of council, to act at discretion in emergencies, giving speedy notice thereof to the Government at home — but not to commence or declare war.
88. Salary of Governor £2000 per annum out of 2^d duty on Tobacco and other officers &c to be paid from same fund.
89. Governor not to come to Europe without leave but may go to New York or other plantations in case of sickness.
90. On the death or absence of the Governor, if no Lieutenant governor, eldest Councillor to act in his stead.
91. Half Governor's salary & perquisites to go to such vicegerent.
92. Accounts of all proceedings on all occasions to be transmitted.

INSTRUCTIONS TO LORD DUNMORE.

GEORGE R.



INSTRUCTIONS for Our Right Trusty and Right Welbeloved Cousin, John, Earl of Dunmore, Our Lieutenant and Governor General of Our Colony and Dominion of Virginia in America; and in his Absence, to Our Lieutenant Governor or Commander in Chief of Our said Colony for the time being. Given at Our Court at St. James's the seventh day of February, 1771, in the Eleventh year of Our Reign.

FIRST, WITH these Our Instructions you will receive Our Commission under Our Great Seal of Great Britain, constituting you Our Lieutenant and Governor General of Our Colony and Dominion of Virginia in America: You are therefore to fit yourself with all convenient Speed, and to repair to Our said Colony of Virginia; and being there arrived, you are to take upon you the execution of the Place and Trust We have reposed in you, and forthwith to call together the following Persons by Name, whom We do hereby appoint to be the Members of Our said Council in Our said Colony, Viz: William Nelson, Thomas Nelson, Richard Corbin, William Byrd, Philip Ludwell Lee, Robert Carter, Robert Burwell, George William Fairfax, and John Page, Esquires, the Reverend James Horrocks, Clerk, and Ralph Wormley, Esquire.

2. You are with all due and usual Solemnity to cause Our said Commission constituting you Our Lieutenant and Governor General, as aforesaid, to be read and published at the said Meeting of Our Council, which being done, you shall then take, and also administer unto each of the Members of Our said Council, the Oaths mentioned in an

Act passed in the first year of the Reign of His late Majesty King George the first, intituled "An Act for the further security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret Abettors," and in an Act passed in the sixth year of Our Reign, intituled "An Act for altering the Oath of Abjuration, and the Assurance, and for amending so much of an Act of the seventh year of Her late Majesty Queen Anne, intituled, "An Act for the improvement of the Union of the two Kingdoms, as, after the time therein limited, requires the delivery of certain Lists and Copies therein mentioned, to Persons indicted of High Treason, or misprision of Treason;" as also make and subscribe and cause the Members of Our said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty-fifth year of the Reign of King Charles the second, intituled "An Act for preventing dangers which may happen from Popish Recusants." And you and every of them are likewise to take an Oath for the due execution of your and their Places and Trusts, as well as with regard to your and their equal and impartial Administration of Justice; And you are also to take the Oath required by an Act passed in the seventh and eighth years of the Reign of King William the third, to be taken by Governors of Plantations, to do their utmost, that the Acts relating to the Plantations be observed.

3. You shall administer, or cause to be administred the Oaths appointed in the aforesaid Acts, intituled "An Act for the further security of His Majesty's Person, and Government; and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants: and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret Abettors," and, "An Act for altering the Oath of Abjuration, and the Assurance: and for amending

so much of an Act of the seventh year of Her late Majesty Queen Anne, intituled "An Act for the improvement of the Union of the two Kingdoms," as, after the time therein limited, requires the delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason, or misprision of Treason;" to the Members and Officers of the Assembly, and to all Judges, Justices, and other Persons, that hold any Office or Place of Trust or Profit in Our said Colony, whether by virtue of any Patent under Our Great Seal of Great Britain, or the publick Seal of Virginia, or otherwise. And you shall also cause them to make and subscribe the aforesaid Declaration, without the doing all which, you are not to admit any Person whatsoever into any Publick Office, nor suffer those that have been admitted formerly, to continue therein.

4. You are forthwith to communicate unto Our said Council, such and so many of these Our Instructions, wherein their Advice and Consent are required; as likewise all such others from time to time, as you shall find convenient for Our Service to be imparted to them.

5. You are to permit the Members of Our said Council, to have and enjoy freedom of Debate and Vote in all Affairs of Publick concern, that may be debated in Council.

6. AND, altho' by Our Commission aforesaid, We have thought fit to direct, that any three of Our Councillors shall make a Quorum, It is nevertheless Our WILL and PLEASURE, that you do not act with a Quorum of less than five Members, unless upon extraordinary Emergencies, when a greater number cannot be conveniently had.

7. AND, that We may always be informed of the names and characters of Persons fit to supply the vacancies, that may happen in Our said Council, You are from time to time, when any vacancies shall happen therein, forthwith to transmit unto Us, by one of Our principal Secretaries of State, the names of three Persons, inhabitants of Our

said Colony, whom you shall esteem the best qualified for that Trust.

8. AND whereas by Our Commission you are empower'd, in case of the Death or Absence of any of Our Council of the said Colony, to fill up the vacancies in the said Council to the number of nine, and no more ; you are from time to time to send to Us, by one of Our principal Secretaries of State, the names and qualities of any Member or Members by you put into Our said Council, by the first conveyance after your so doing.

9. AND in the choice and nomination of the members of Our said Council, as also of the Chief Officers, Judges, Assistant Justices, and Sheriffs, you are always to take care, that they be men of good Life, well-affected to Our Government, of good Estates, and of abilities suitable to their Employments.

10. YOU are neither to augment nor diminish the number of Our said Council, as it is hereby established, nor to suspend any of the Members thereof, without good and sufficient Cause, nor without the consent of the Majority of the said Council, signified in Council after due examination of the Charge against such Councillor, and his answer thereunto ; and in case of suspension of any of them, you are to cause your reasons for so doing, together with the charges and proofs against the said Persons, and their answers thereunto to be duly entered upon the Council-Books, and forthwith to transmit Copies thereof to Us by one of Our principal Secretaries of State. —

Nevertheless if it should happen, that you should have reasons for suspending of any Councillor, not fit to be communicated to the Council, you may in that case suspend such Person without their consent ; But you are thereupon immediately to send to Us, by one of Our principal Secretaries of State, an account of your proceedings therein, with your reasons at large for such suspension, as

also for not communicating the same to Our Council, and duplicates thereof, by the next Opportunity.

11. AND whereas WE are sensible that effectual Care ought to be taken to oblige the Members of Our Council to a due attendance therein, in order to prevent the many inconveniences, that may happen for want of a Quorum of the Council to transact Business, as occasion may require, It is Our WILL and PLEASURE, that, if any of the Members of Our said Council residing in Our said Colony, shall hereafter wilfully absent themselves from Our said Colony, and continue absent above the space of twelve months, without leave from you or from the Commander in Chief of the said Colony for the time being, first obtained under your or his hand and seal, or shall remain absent for the space of two years successively without Our leave, given them under Our Royal Signature, their Place or Places in Our said Council shall immediately become void: and that if any of the Members of Our said Council residing within Our said Colony, shall hereafter wilfully absent themselves from the Council-Board, when duly summoned, without a just and lawful cause, and shall persist therein after admonition, You suspend the said Councillors so absenting themselves, until Our further Pleasure shall be known; giving timely notice thereof to Us by one of Our principal Secretaries of State. And We do hereby WILL and require, that this Our Royal PLEASURE be signified to the several Members of Our said Council, and that it be entred on the Council-Books of the said Colony, as a standing Rule.

12. AND whereas Complaint hath formerly been made, that the members of our said Council, in all matters of Civil Right, where any of them are Defendants, claim a Privilege of exemption from the ordinary forms of Process by Writ, so that they cannot be arrested, and to be summoned to appear by Letters from the Secretary of Our said Colony, which they comply with, or neglect at their pleasure, by

which means the cause of Justice is obstructed, and the Plaintiffs are frequently left destitute of relief: You are therefore to take especial Care, that a Letter of Summons to any of the said Councillors, signed either by yourself or by the Secretary of Our said Colony, or by the Clerk of any Court of Record within Our said Colony, be deemed as binding and as strict in Law for their appearance as a Writ, and that, upon their neglect to comply with any such summons, except only in times of General Assembly, they be liable to the ordinary forms of common Process.

13. WHEREAS a practice hath of late years prevailed in several of Our Colonies and Plantations in America, of passing Laws for raising Money by instituting publick Lotteries; and Whereas it hath been represented to Us, that such practice doth tend to disengage those, who become Adventurers therein, from that Spirit of Industry and Attention to their proper Callings and Occupations, on which the publick Welfare so greatly depends; And whereas it further appears that this practice of authorizing Lotteries by Acts of Legislature hath been also extended to the enabling private Persons to set up such Lotteries, by means whereof great Frauds and Abuses have been committed: It is therefore Our WILL and PLEASURE, that you do not give your Assent to any Act or Acts for raising Money by the institution of any publick or private Lotteries whatsoever, until you shall have first transmitted unto Us, by one of Our principal Secretaries of State, a Draught or Draughts of such Act or Acts, and shall have received Our directions therein.

14. WHEREAS Laws have at several times been passed in many of Our Colonies and Plantations in America, by which certain Parishes and Districts have been empowered and authorized to send Representatives to the General Assemblies of the respective Colonies, in which the said Parishes and Districts lye, and sundry other regulations have been introduced by those Laws relative to the said

Assemblies, it is Our WILL and PLEASURE, and WE do hereby require and command that you do not, upon any pretence whatsoever, give your Assent to any Law, or Laws to be passed in Our Colony under your Government, by which the Number of the Assembly shall be enlarged, or diminished, the duration of it ascertained, the qualification of the Electors, or the Elected, fixed or altered, or by which any regulations shall be established with respect thereto, inconsistent with Our Instructions to you Our Governor, as prejudicial to that Right or Authority, which you derive from Us in virtue of Our Royal Commission and Instructions.

15. AND whereas the Members of several Assemblies in Our Plantations have frequently assumed to themselves Privileges no ways belonging to them, especially of being protected from Suits at Law, during the term they remain of the Assembly, to the great prejudice of their Creditors, and the obstruction of Justice, and some Assemblies have presumed to adjourn themselves at pleasure without leave from Our Governor first obtained for that purpose; which is highly detrimental to Our Royal Prerogative, and may be very prejudicial to the publick Service: You are to signify to the General Assemblies of Our said Colony of Virginia, if occasion should require, that it is Our express WILL and PLEASURE, that you do not allow any protection to any Members of Assembly, further than in their Persons, and that only during the Session of the Assembly, and that you are not to allow them to adjourn themselves, otherwise than *de die in diem*, except Sundays and Holidays, without leave from you Our Governor, or the Governor or Commander in Chief of Our said Colony for the time being first asked and obtained.

16. You are to observe in the passing of all Laws, that the stile of enacting the same be by the Governor, Council and Assembly. You are also as much as possible to observe in the passing of all Laws, that whatever may be requisite upon each different matter be provided for by a

different Law, without intermixing in one and the same Act such things as have no proper relation to each other. And you are more especially to take care, that no Clause or Clauses be inserted in, or annexed to any Act, which shall be foreign to what the Title of such Act imports. And that no perpetual Clause be made part of any temporary Law. And that no Act whatever be suspended, alter'd, continued, revived, or repealed by general Words, but that the Title and Date of such Act so suspended, altered, continued, revived, or repealed be particularly mentioned and expressed in the enacting part.

17. AND whereas several Laws have formerly been enacted in several of Our Plantations in America, for so short a time, that the Royal Assent, or refusal, could not be had thereupon, before the time for which such Laws were enacted, did expire; You shall not therefore give your Assent to any Law, that shall be enacted for a less time than two years, except in the Cases hereinafter mentioned; and it is Our further WILL and PLEASURE, that you do not reenact any Law to which the Assent of Us or Our Royal Predecessors has once been refused, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us, by one of Our principal Secretaries of State, of the reason and necessity of passing such a Law, nor give your Assent to any Law for repealing any other Law passed within your Government whether the same has or has not received the Royal approbation, unless you take Care, that a Clause be inserted therein, suspending and deferring the execution thereof, until Our PLEASURE shall be known concerning the same.

18. AND whereas great Mischiefs do arise by passing Bills of an unusual and extraordinary nature and importance in the Plantations, which Bills remain in force there, from the time of enacting until Our PLEASURE be signified to the contrary; We do hereby will and require you not to

pass or give your Assent to any Bill or Bills in the Assembly of Our said Colony, of unusual and extraordinary nature and importance, wherein Our Prerogative, the Property of Our Subjects, or the Trade and Shipping of this Kingdom may be any ways prejudiced, until you shall have first transmitted unto Us, by one of Our principal Secretaries of State, the Draught or Draughts of such a Bill or Bills, and shall have received Our Royal PLEASURE thereupon ; Unless you take care in the passing of any Bill of such nature, as before mentioned, that there be a clause inserted therein, suspending and deferring the execution thereof, until Our PLEASURE shall be known concerning the same.

19. You are also to take care, that no private Act, whereby the Property of any private Person may be affected, be passed, in which there is not a saving of the Right of Us, Our Heirs and Successors, all Bodies Politick and Corporate, and of all other Persons, except such as are mentioned in the said Act, and those claiming by, from, and under them. And further you are to take Care, that no such Private Act be passed without a Clause suspending and deferring the execution thereof, until the same shall have received Our Royal Approbation. It is likewise Our WILL and PLEASURE, that you do not give your Assent to any private Act, until proof be made before you in Council, and entered on the Council Books, that publick notification was made of the Parties intention to apply for such Act, in the several Parish Churches where the Premises in question lie, for three Sundays at least successively, before such Act was brought into the Assembly ; and that a Certificate under your hand be transmitted with, and annexed to every such private Act, signifying that the same has passed thro' all the forms abovementioned.

20. You are to take Care, that in all Acts or Orders to be passed within Our said Colony, in any case, for levying Money, or imposing Fines or Penalties, express mention be made, that the same is granted or reserved to Us, Our

Heirs and Successors for the publick Uses of that Our Colony, and the support of the Government thereof, as by the said Act or Order shall be directed. And you are particularly directed not to pass any Law, or do any Act by Grant, Settlement or otherwise, whereby Our Revenue may be lessened or impaired, without Our especial Licence or Command therein.

21. You are not to suffer any publick Money whatsoever to be issued or disposed of otherwise than by Warrant under your hand, by and with the advice and consent of Our Council: But the Assembly may nevertheless be permitted from time to time to view and examine the Accounts of Money or value of Money disposed of by virtue of Laws made by them, which you are to signify unto them, as there shall be occasion.

22. You are not to permit any Clause whatsoever to be inserted in any Law for levying Money, or the value of Money, whereby the same shall not be liable to be accounted for unto Us and to Our Commissioners of Our Treasury, or to Our high Treasurer for the time being, and audited by Our Auditor General of Our Plantations, or his Deputy for the time being. And WE do particularly require and enjoin you, upon Pain of Our highest Displeasure, to take care, that fair Books of Accounts of all Receipts and Payments of all publick Monies be duly kept, and the truth thereof attested upon Oath: And that all such Accounts be audited and attested by Our Auditor General of Our Plantations or his Deputy, who is to transmit Copies thereof to Us by one of Our principal Secretaries of State, and to Our Commissioners of Our Treasury, or Our high Treasurer for the time being: In which Books shall be specified every particular Sum raised or disposed of, together with the names of the Persons to whom any Payment shall be made, to the end WE may be satisfied of the right and due application of the Revenue of Our said Colony, with the probability of the

encrease or diminution of it, under every head or Article thereof.

23. WHEREAS several inconveniences have arisen to Our Governments in the Plantations by Gifts and Presents made to Our Governors by the General Assemblies; It is Our express WILL and PLEASURE, that neither you Our Governor, nor any Governor, Lieutenant Governor, or Commander in Chief, or President of Our Council of Our said Colony for the time being, do give your or their consent to the passing any Law or Act for any Gift or Present to be made to you or them by the Assembly; and that neither you nor they do receive any Gift or Present from the Assembly or others, on any Account or in any manner whatsoever, upon pain of Our highest Displeasure, and of being recalled from that Our Government.

24. AND it is Our express WILL and PLEASURE, that no Law for raising any imposition upon Wines, or other strong Liquors be made to continue for less than one whole Year: And also that all other Laws made for the supply and support of the Government shall be without limitation of time, except the same be for a temporary Service, and which shall expire & have their full effect within the time therein prefixed.

25. WHEREAS it hath been represented to Us by our Commissioners for executing the Office of Lord High Admiral of this Kingdom, that by an Act passed in Our Colony of Virginia on the first of May, 1765, intituled, "An Act to prevent frauds in the Drawback of the Duties on Liquors imported into that Colony;" it is enacted, that no Person whatever shall be entitled to the Drawback of the Duties of any Liquors purchased for the use of any Ship or Vessel whatsoever; by which prohibition of the Drawback, as aforesaid, the Merchants, Contractors for Victualling Our Ships in Our said Colony, would, in consequence of former Laws therein passed, be obliged to pay a Duty or Tax of four pence per Gallon upon all Rum furnished by them to

Our said Ships, contrary to what hath been the practice from the time of first laying a Duty on that Commodity, whereby an extraordinary expence would be incurred in victualling Our Navy, equal at least to the amount of the said Duty; and whereas WE have thought fit, upon a consideration of the said Memorial, as well as upon a representation of Our Commissioners for Trade and Plantations thereupon, to repeal the said Law; in order therefore to prevent any extraordinary expence being brought upon the service, by any future Act of the Legislature of Our said Colony of Virginia, it is Our WILL and PLEASURE, and you are hereby strictly enjoined and required, on no pretence whatsoever, to give your Assent to any Law or Laws for imposing Taxes or Duties upon Liquors, or any species of Provisions or Victual, unless it be therein expressly provided, that the said Taxes or Duties shall not extend to any such Provisions or Victual as shall be bought up in, or exported from Our said Colony, for the use and supply of Our Ships of War.

26. WHEREAS Acts have been passed in several of Our Plantations in America, for striking Bills of Credit, and issuing out the same in lieu of Money, in order to discharge their Debts, and for other purposes from whence several inconveniences have arisen; It is therefore Our WILL and PLEASURE, that you do not give your Assent to, or pass any Act in Our Colony and Dominion of Virginia under your Government, whereby Bills of Credit may be struck or issued in lieu of Money, or for payment of Money either to you Our Governor, or to any Lieutenant Governor or Commander in Chief, or to any of the Members of Our Council, or of the Assembly, or to any other Person whatsoever, except to Us, Our Heirs and Successors, without a Clause be inserted in such Act declaring that the same shall not take Effect, until the said Act shall have been approved and confirmed by Us, our Heirs or Successors.

27. AND whereas Complaints have heretofore been made

by the Merchants of the City of London, in behalf of themselves and of several others Our good Subjects of Great Britain trading to Our Plantations in America, that greater Duties and Impositions are laid on their Ships and Goods, than on the Ships and Goods of Persons, who are Natives and Inhabitants of the said Plantations, It is therefore Our WILL and PLEASURE, that you do not, upon any Pretence whatsoever, upon Pain of Our highest Displeasure, give your Assent to any Law, whereby the Natives or Inhabitants of Our Colony of Virginia under your Government may be put on a more advantageous footing than those of this Kingdom, or whereby any Duties shall be laid upon British Shipping, or upon the Product or Manufacture of Great Britain, upon any Pretence whatsoever.

28. WHEREAS Acts have been passed in some of Our Plantations in America, for laying Duties on the importation and exportation of Negroes, to the great discouragement of the Merchants trading thither from the Coast of Africa; and whereas Acts have likewise been passed for laying Duties on Felons imported, in direct opposition to an Act of Parliament passed in the fourth year of the Reign of King George the first “for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual transportation of Felons, &c”; It is Our WILL and PLEASURE, that you do not give your Assent to, or pass any Law imposing Duties upon Negroes imported into Our Colony of Virginia, payable by the Importer, or upon any Slaves exported, that have not been sold in Our said Colony, and continued there for the space of twelve Months. It is Our further WILL and PLEASURE, that you do not give your Assent to, or pass any Act whatsoever for imposing Duties on the importation of any Felons from this Kingdom into Virginia.

29. You are to transmit authentick Copies of all Laws, Statutes and Ordinances, which at any time hereafter shall be made or enacted within Our said Colony, each of them

separately under the publick Seal, unto Us, by One of Our principal Secretaries of State, within three months, or sooner after their being enacted; together with Duplicates thereof by the next Conveyance, upon Pain of Our highest Displeasure, and of the Forfeiture of that year's Salary, wherein you at any time, or upon any Pretence whatsoever, omit to send over the said Laws, Statutes and Ordinances, as aforesaid, within the time above limited, as also of such other Penalty as We shall please to inflict: But if it shall happen, that no Shipping shall come from Our said Colony within three Months after the making such Laws, Statutes and Ordinances, whereby the same may be transmitted, as aforesaid, then the said Laws, Statutes, and Ordinances are to be transmitted by the next Conveyance after the making thereof, whenever it may happen, for Our Royal Approbation or Disallowance of the same.

30. AND you are to take especial care, that the Copies and Duplicates of the said Acts, so to be transmitted as aforesaid, be fairly abstracted in the Margents, and that in every Act the dates or respective times, when the same passed the Assembly and the Council, and received your Assent, be particularly expressed. And you are to be as explicit as may be in your observations upon every Act, that is to say, whether the same be introductive of a new Law, declaratory of a former Law, or does repeal a Law then before in being. And you are likewise to send to Us, by one of Our principal Secretaries of State, the reasons for passing of such Law, unless the same do fully appear in the Preamble thereof.

31. You are to require the Secretary of Our said Colony, or his Deputy for the time being, to furnish you with Transcripts of all such Acts and Publick Orders, as shall be made from time to time, together with a Copy of the Journals of Our Council, and that all such Transcripts and Copies be fairly abstracted in the Margents, to the end the same may be transmitted unto Us by one of Our principal

Secretaries of State, which he is duly to perform, upon pain of incurring the forfeiture of his Office.

32. You are also to require from the Clerk of the Assembly, or other proper Officer, Transcripts of all Journals and other Proceedings of the Assembly, fairly abstracted in the Margents, to the end the same may be in like manner transmitted as aforesaid.

33. WHEREAS an Act of Parliament was passed in the sixth Year of the Reign of Queen Anne, intituled, "An Act for ascertaining the rates of foreign Coins in Her Majesty's Plantations in America," which Act the respective Governors of all Our Plantations in America have from time to time been instructed to observe and carry into due execution; and whereas, notwithstanding the same, Complaints have been made, that the said Act has not been observed, as it ought to have been, in many of Our Colonies and Plantations in America, by means of which Neglect many indirect Practices have grown up, and various and illegal Currencies have been introduced in several of Our said Colonies and Plantations, contrary to the true intent and meaning of the said Act, and to the prejudice of the Trade of Our Subjects: It is therefore Our WILL and PLEASURE and you are hereby strictly required and commanded, under pain of Our highest Displeasure, and of being removed from your Government, to take the most effectual care for the future that the said Act be punctually and *bonâ fide* observed and put in execution, according to the true intent and meaning thereof.

34. You are to examine, what Rates and Duties are charged and payable upon any Goods exported and imported within Our said Colony, whether of the growth or Manufacture of the said Colony or otherwise. And you are to suppress the engrossing of Commodities, as tending to the prejudice of that Freedom which Trade and Commerce ought to have, and to use your best endeavours in the improving the Trade of those Parts, by settling such

Orders and Regulations therein, with the Advice of Our said Council, as may be most acceptable to the generality of the Inhabitants. And it is Our express WILL and PLEASURE, that you do not, upon any pretence whatever, upon Pain of Our highest Displeasure, give your Assent to any Law or Laws for setting up any Manufactures, and carrying on any Trades, which are hurtful and prejudicial to this Kingdom, and that you do use your utmost endeavours to discourage, discountenance and restrain any attempts, which may be made to set up such Manufactures, or establish any such Trades.

35. AND whereas by an Act passed in Our said Colony of Virginia, in the 32^d year of the Reign of King Charles the 2^d; intituled “An Act for raising a publick Revenue for the better Support of the Government of this His Majesty’s Colony of Virginia,” a Duty of two Shillings current Money of this Kingdom is imposed on every hogshead of Tobacco exported out of Our said Colony, the same to be to His said Majesty, His Heirs and Successors forever, to and for the better Support of the Government of the said Colony; and whereas it hath been heretofore represented, that great Frauds and Abuses have formerly been committed in Our said Revenue, as well in the payment of the said Duty by the Masters of Ships and other persons on whom the same is chargeable, as in the Collection thereof by Our Officers appointed to receive and collect the said Duty; You are therefore to take especial Care, that the several Provisions in the said Act, made and established for the better discovering and preventing of Frauds, be strictly observed and duly carried into execution: And that all Persons, employed in the receipt and collection of Our said Revenue, do take a solemn Oath faithfully to execute their respective Offices in their own Persons, and not by Deputys, unless in cases of absolute necessity, and in such cases that the Deputies be likewise sworn to the faithful and diligent execution of the Trusts

reposed in them respectively. And it is Our further WILL and PLEASURE that, if you shall find any Person, employed in the receipt of Our said Revenue, to be guilty of any Fraud or Neglect in the execution of his Office, you do immediately remove such Person from his Place, and appoint a fit Person in his stead, giving unto Us by one of Our principal Secretaries of State, and to Our Commissioners of Our Treasury or to Our high Treasurer for the time being, speedy Notice of your proceedings therein.

36. AND you are to transmit unto Us, by one of Our principal Secretaries of State, and to Our Commissioners of Our Treasury, or Our high Treasurer for the time being, every half year, an Account of the Amount of Our said Revenue, specifying how the same has been disposed of.

37. WHEREAS it is necessary that Our Rights and Dues be preserved and recovered, and that speedy and effectual Justice be administred in all cases relative to Our Revenue ; You are to take care, that a Court of Exchequer be called and do meet at all such times as shall be needful. And you are to inform Us by one of Our principal Secretaries of State, whether Our Service may require, that a constant Court of Exchequer be settled and established there.

38. You shall not erect any Court or Office of Judicature, not before erected or established, nor dissolve any Court or Office already erected or established, without Our especial Order.

39. AND whereas frequent Complaints have been made of great Delays and undue Proceedings in the Courts of Justice in several of Our Plantations whereby many of Our Subjects have very much suffered ; and it being of the greatest importance to Our Service, and to the Welfare of Our Plantations, that Justice be every where duly and speedily administred, and that all Disorders, Delays, and

other undue Practices in the administration thereof be effectually prevented : WE do particularly require you to take especial Care that in all Courts, where you are authorized to preside, Justice be impartially administred, and that in all other Courts established within Our said Colony, all Judges and other Persons therein concerned do likewise perform their several Duties without Delay or Partiality.

40. You are to take Care, that no Court of Judicature be adjourned but upon good Grounds, as also that no Orders of any Court of Judicature be entered or allowed, which shall not be first read and approved by the Magistrates in open Court ; which Rule you are in like manner to see observed with relation to the Proceedings of Our Council of Virginia, and that all Orders there made be first read and approved in Council, before they are entered upon the Council-Books.

41. OUR WILL and PLEASURE is, that you or the Commander in Chief of Our said Colony for the time being do, in all Civil Causes, on proper application being made to you or the Commander in Chief for the time being for that purpose, permit and allow Appeals to be made from any of the inferior Courts of Common Law in Our said Colony, unto you or the Commander in Chief, and the Members of Our Council of Our said Colony in Supreme Court assembled, according to the Regulations and Directions of such Acts, as having been passed in Our Colony and ratified and Confirmed by Us, are now in force within the same ; And if either party in such Appeal or in any Cause, which shall have been originally brought into the said Supreme Court of Our said Colony, shall not rest satisfied with the Judgment of you or the Commander in Chief for the time being and of Our Council, as aforesaid, Our WILL and PLEASURE is, that such Party may then appeal unto Us in Our Privy Council, PROVIDED the Sum or Value, so appealed for unto Us, do exceed five hundred pounds sterling ; and that such Appeal be made within fourteen days

after Sentence given by you or the Commander in Chief, and by Our Council, as aforesaid, and that good and sufficient Security be given by the Apellant, that he will effectually prosecute the same and answer the Condemnation, as also pay such Costs and Damages, as shall be awarded by Us, in case the Sentence of you, or the Commander in Chief for the time being, and of Our Council be affirmed; PROVIDED nevertheless, that in all Cases, where the Matter in question relates to the taking or demanding any Duty payable to Us, or to any Fee of Office, or annual Rent, or other such like Matter or thing, where Our Rights *in futuro* may be bound, you are to admit Appeals to Us, in Our Privy Council, altho' the immediate Sum or Value appealed for be of a less Value. And it is Our further WILL and PLEASURE, that in all Cases, where, by these Our Instructions, you are to admit Appeals unto Us in Our Privy Council, execution be suspended, until the final Determination of such Appeals, unless good and sufficient Security be given by the Appellee to make ample restitution of all that the Apellant shall have lost by means of such Judgment or Decree, in case, upon the Determination of such Appeal, such Decree or Judgment should be reversed, and Restitution awarded to the Apellant.

42. You are also to permit Appeals unto Us in Our Privy Council, in all Cases of Fines imposed for Misdemeanours, PROVIDED the Fines so imposed amount to, or exceed the Sum of one hundred pounds sterling, the Apellant first giving good Security, that he will effectually prosecute the same, and answer the Condemnation, if the Sentence, by which such Fines were imposed, shall be confirmed.

43. You shall not remit any Fines or Forfeitures whatever above the Sum of ten Pounds, nor dispose of any Forfeiture whatever, until you signify unto Us, by one of Our principal Secretaries of State, and to the Commissioners of Our Treasury, or Our high Treasurer for the time being,

the nature of the Offence, and the occasion of such Fines and Forfeitures, with the particular Sums of Value thereof, (which you are to do with all speed) you shall have received Our Directions therein; but you may in the mean time suspend the payment of the said Fines and Forfeitures.

44. It is Our WILL and PLEASURE, that you do not dispose of any Forfeitures or Escheats to any Person, until the Sheriff or other proper Officer shall have made enquiry by a Jury. upon their Oaths into the true Value thereof; nor until you shall have transmitted unto Us by one of Our principal Secretaries of State, and to Our Commissioners of Our Treasury, or Our high Treasurer for the time being, a particular Account of such Forfeitures, or Escheats, and the Value thereof, and shall have received Our Directions thereupon. And you are to take Care that the Produce of the said Forfeitures or Escheats, in case We shall think proper to give directions to dispose of the same, be duly paid to Our Receiver General of Our said Colony, and a full Account transmitted unto Us by one of Our principal Secretaries of State, and to Our Commissioners of Our Treasury, or Our high Treasurer for the time being, with the Names of the Persons, to whom disposed. And PROVIDED, that in the Grants of all forfeited and escheated Lands, there be a Clause obliging the Grantee to such Terms and Conditions of Cultivation and Improvement, as are required by the several Laws now in force within Our said Colony, relative to the seating and cultivating of Lands; and likewise that there be proper savings and Reservations of Quit-rents to Us Our Heirs and Successors.

45. You shall not appoint any Person to be a Judge or Justice of the Peace without the advice and consent of at least three Members of Our Council, signified in Council; nor shall you execute yourself or by your Deputy any of the said Offices; And it is Our further WILL and PLEASURE, that all Commissions, to be granted by you to any Person

or Persons to be Judges, Justices of the Peace, or other necessary Officers, be granted during Pleasure only.

46. You shall not displace any of the Judges, Justices, Sheriffs, or other Our Officers or Ministers within Our said Colony without good and sufficient cause, to be signified in the fullest and most distinct manner to Us by one of Our principal Secretaries of State, by the first opportunity after such removal.

47. You shall not suffer any Person to execute more Offices than one by Deputy.

48. AND you are, with the advice and consent of Our Council, to take especial care to regulate all Salaries and Fees belonging to Places, or paid upon Emergencies, that they be within the bounds of moderation; and that no exaction be made upon any occasion whatsoever: As also that Tables of all Fees be publickly hung up in all Places, where such Fees are to be paid; and you are to transmit copies of all such Tables of Fees to Us, by one of Our principal Secretaries of State.

49. WHEREAS there are several Offices in Our Plantations granted under the Great Seal of Great Britain, and the publick Seals of the said Colonies, and Our Service may be very much prejudiced by reason of the absence of the Patentees and by their appointing Deputies not fit to officiate in their stead; you are therefore to inspect such of the said Offices, as are in Our said Colony under your Government, and enquire into the capacity and behaviour of the Persons exercising them; and to report thereupon to Us by one of Our principal Secretaries of State, what you think fit to be done or altered in relation thereto. And you are, upon the misbehaviour of any of the Patentees, or their Deputies, to suspend them from the execution of their Places, 'till you shall have represented the whole matter unto Us, and received Our Directions therein; And in case of the death of any such Deputy, it is Our express WILL and PLEASURE, that you take care that the

Person appointed to execute the Place, until the Patentee can be informed thereof, and appoint another Deputy, to give sufficient Security to the Patentee, or in case of suspension, to the Person suspended, to be answerable for the Profits accruing during such interval by death, or during such suspension, in case We shall think fit to restore the Person suspended to his Place: It is nevertheless Our WILL and PLEASURE, that the Person, executing the Place during such interval by death or suspension, shall for his encouragement receive the same Profits, as the Person dead or suspended did receive; And it is Our further WILL and PLEASURE, that, in case of the suspension of a Patentee, the Person, appointed by you to execute the Office during such suspension, shall for his encouragement receive a moiety of the Profits, which would otherwise have accrued and become due to such Patentee, giving Security to such Patentee to be answerable to him for the other Moiety, in case We shall think fit to restore him to his Place again.

50. AND whereas complaints have formerly been made of several undue practices in the Office of Secretary or Register of that Our Colony, by the Clerks or other Persons employd therein; you are therefore from time to time to make inspection into the state and management of the said Office, and report to Us by one of Our principal Secretaries of State, how you find the same; together with your opinion, by what methods any mismanagements may for the future be best prevented; And in the mean time to take all possible care, that the Records of the said Office be well and faithfully kept; And in order thereunto that not only the Secretary or Register himself, but his Clerks also be under Oath for the due execution of the Trust reposed in them, and that they accordingly give sufficient Security for their faithful performance.

51. You shall not, by colour of any power or authority hereby or otherwise granted or mentioned to be granted unto you, take upon you to give, grant or dispose of any

Place or Office within Our said Colony, which now is or shall be granted under the Great Seal of this Kingdom, or to which any Person is or shall be appointed by Warrant under Our Signet or Sign Manual, any further than that you may, upon the vacancy of any such Office or Place, or upon the suspension of any such Officer by you, as aforesaid, put in any fit person to officiate in the interval, 'till you shall have represented the matter unto Us, by one of Our principal Secretaries of State; which you are to do by the first opportunity, and till the said Office or Place be disposed of by Us, Our Heirs, or Successors, under the Great Seal of this Kingdom, or until some person shall be appointed thereto under our Signet and Sign Manual or that our further Directions be given therein. And it is Our express WILL and PLEASURE, that you do countenance and give all due encouragement to all Our Patent Officers in the enjoyment of the legal and accustomed Fees, Rights, Privileges, and Emoluments, according to the true intent and meaning of their Patents.

52. And whereas several complaints have been made by the officers of Our Customs in Our Plantations in America, that they are frequently obliged to serve on Juries, and personally to appear in Arms, whenever the Militia is drawn out, and thereby are much hindered in the execution of their Employments; Our WILL and PLEASURE is, that you take effectual care, and give the necessary directions, that the several Officers of Our Customs be excused and exempted from serving on any Juries, or personally appearing in Arms in the Militia, unless in cases of absolute necessity, or serving any Parochial Offices, which may hinder them in the execution of their Duties.

53. You are to transmit to Us, by one of Our principal Secretaries of State, with all convenient speed, a particular account of all Establishments of Jurisdictions, Courts, Offices, Powers, and Authorities, Fees and Privileges granted and settled within Our said Colony; together with

an Account of all the expences attending the Establishment of the said Courts, and of such Funds as are settled and appropriated for discharging such expences.

54. WHEREAS it has at all times been a great hindrance to the peopling and settling of Our said Colony, that large Tracts of Land have been engrossed by particular persons, a great part whereof remaining uncultivated, the Colony is thereby deprived of many Inhabitants, that would otherwise have settled there; in order to remedy this Inconvenience for the future, It is Our WILL and PLEASURE, that in all Grants of Land to be made by you, you do not grant more than one thousand Acres to any one Person, either in his own name, or in the name of any other Person in trust for him. And that you do take especial care for the reservation of our Quitrents, and for settling and cultivating the Lands according to the several regulations prescribed by such Laws, as now are in force in Our said Colony relative to the clearing, settling and cultivating of Lands.

55. AND whereas it has been represented to Us, that a very irregular practice hath prevailed in Our said Colony of taking out Surveys for Lands, and neglecting to pass Patents for the same, whereby We have been defrauded of Our Quitrents, and the Lands so surveyed have remained uncultivated: It is therefore Our WILL and PLEASURE, that you do take especial care, and give positive directions to the proper officers, that, immediately upon the return of each Survey, a Patent be made out and passed, and a Docquet or copy entered in the Offices of the Auditor General of Our Plantations, and of the Receiver General of Our Quitrents, to the end that such Lands may be immediately carried to, and borne upon the Rentroll. And you are earnestly to recommend it to the Council and Assembly of Our said Colony, to make proper provision of Law, in case it hath not been already done, for compelling and obliging the Surveyors of Land in the several Districts of Our said Colony to make a return of their Surveys into

the Secretary's Office of Our said Colony, within a reasonable time to be limited in such Law.

56. You shall, with the advice of Our Council, take care to appoint Men fitly qualified to be Surveyors throughout all the several Districts of Our said Colony, and that they be sworn to make true and exact Surveys of all Lands required to be set out, according to the best of their Skill. And you shall likewise take care, that a general Survey be made of all Our said Colony, and of each County, with the several Plantations and Fortifications in it; and that an exact Map or Maps thereof be transmitted to Us by One of Our principal Secretaries of State.

57. AND you are to take the most effectual care for the discovery of Our Quitrents, and for making in each County a perfect Rentroll of the same, by empowering the several Receivers to administer an Oath to all such as they account with, to declare what other Lands they may have, either in their own right, or in the right of others unaccounted for, or by such other means as you, with the advice of Our said Council, shall think most conducive to this Service. And you are further to take care, that an exact account be forthwith made out of all arrears of Quitrents due unto Us, expressing from what Persons, for what quantity of Land, and for what time those arrears are due; and likewise an account specifying what particular Persons, in Our said Colony are possessed of more than twenty thousand Acres each, by what title they respectively hold such Land, and how much each of them is possessed of above that quantity; both which accounts you are with all convenient speed to transmit to Us by one of Our principal Secretaries of State, and to Our Commissioners of Our Treasury, or to Our high Treasurer for the time being.

58. AND it is Our express WILL and PLEASURE, and you are strictly charged and required not to dispose of any part of Our said Revenue of Quitrents, nor to suffer the same to be issued out upon any occasion, until, upon your cer-

tifying unto Us, the value of what shall remain thereof from time to time in Our Treasury, or be due unto Us, WE shall order the same to be disposed of, as We shall find occasion for Our Service.

59. AND whereas there are several Nations, Cantons, or Tribes of Indians inhabiting the western parts of Our said Colony under your Government, you are upon all occasions to give them all proper encouragement, so as to induce them to trade with Our Subjects in preference to any others of Europe, and to become not only peaceable Neighbours but useful and faithful Allies. And you are, with the advice of Our Council of Our said Colony to establish such regulations with respect to the Trade carried on with the said Indians, as may best conduce to the restriction or prevention of Fraud and Imposition in those Persons, by whom such Trade is carried on.

60. AND whereas private Persons in several of Our Colonies in America have frequently purchased Lands from the Indians without any Licence from Us, or from any Person acting under Our Authority; which practise is inconsistent with Our Rights, and may endanger the Peace and Security of Our said Colonies, It is therefore Our WILL and PLEASURE, that you do not, upon any pretence whatsoever, make a Grant or Grants to any Person or Persons of any Lands within Our Colony of Virginia, which may or shall have been purchased of the Indians, without a Licence first had and obtained from you or the Commander in Chief for the time being. And when any application shall be made to you for a Licence to purchase Lands of the Indians, you shall, before the issuing of such Licence, cause the Land, proposed to be purchased, to be carefully and publickly surveyed by a sworn Surveyor in the presence of the Indians, who claim a right to such Lands, and in the presence of an Interpreter properly authorized, which said Surveyor shall within a reasonable time, not exceeding three Months, make a return to you of such Survey, signed or

otherwise attested and certified by such Indians, with a Plot or Description of the Land and the exact Buttings and Boundings thereof, the particulars whereof shall be fully inserted in the Licence by you to be granted for that purpose. And you are to take especial care, that in all Licences to be granted by you for the purchase of Lands from the Indians, the quantity of Land to be purchased by any one Person either in his or her own name, or in the names of any Person or Persons in trust for him or her, do not exceed one thousand Acres. And you are further to take care, that in passing Patents for Land purchased of the Indians, under a Licence from you, as aforesaid, you do strictly observe the regulations prescribed in the foregoing articles of these Our Instructions to you, relative to the Form, Method, Terms and Conditions of all Grants of Land.

61. WHEREAS you will receive from Our Commissioners for executing the Office of High Admiral of Great Britain, and of Our Plantations, a Commission constituting you Vice Admiral of Our said Colony of Virginia, you are hereby required and directed carefully to put in execution the several Powers thereby granted you.

62. AND whereas We have been informed, that the Fees for the condemnation of a Prize Ship in Our Courts of Admiralty in Our Plantations are considerably greater, than those demanded on the like occasion in Our High Court of Admiralty here: And whereas We are willing, that Our Subjects in the Plantations should have the same ease in obtaining the condemnation of Prizes there, as in this Kingdom, you are to signify Our WILL and PLEASURE to the Officers of Our Admiralty-Court in Virginia, that they do not presume to demand or exact other Fees, than such as are taken in this Kingdom, which amount to about ten pounds for the condemnation of each Prize, according to the List of such Fees.

63. AND there having been great Irregularities in the man-

ner of granting Commissions in the Plantations to private Ships of War, you are to govern yourself, whenever there shall be occasion, according to the Commissions and Instructions granted in this Kingdom. But you are not to grant Commissions of Marque or Reprizal against any Prince, or State, or their Subjects in amity with Us, to any person whatever, without Our especial Command. And you are to oblige the Commanders of all Ships, having private Commissions, to wear no other Colours than such as described in an Order in Council of the 7th of January, 1730, in relation to Colours to be worn by all Ships of War.

64. WHEREAS Commissions have been granted unto several Persons in Our respective Plantations in America, for the trying of Pirates in those parts, pursuant to the several Acts for the more effectual suppression of Piracy: And by a Commission already sent to Our Colony of Virginia, you (as Our Lieutenant and Governor General of Our said Colony) are impowered, together with others therein mentioned, to proceed accordingly in reference to the said Colony of Virginia; Our WILL and PLEASURE is, that in all matters relating to Pirates, you govern yourself according to the intent of the said Acts and Commission aforementioned.

65. AND whereas We have thought it necessary for Our Royal Service, to constitute and appoint a Receiver General of Our Rights and Perquisites of the Admiralty: It is therefore Our WILL and PLEASURE, that you be aiding and assisting to Our said Receiver General, his Deputy or Deputies, in the execution of the said Office of Receiver General. And We do hereby require and enjoin you to make up your accounts with him, his Deputy or Deputies, of all Rights of Admiralty, (Effects of Pirates included,) as you or your Officers have received, or shall or may receive; and to pay over to the said Receiver General, his Deputy or Deputies, for Our use, all such sum or sums of Money, as shall appear upon the foot of such accounts to be and

remain in your hands, or in the hands of any of your Officers. And whereas Our said Receiver General is directed, in case the parties, chargeable with any part of such Our Revenue, refuse, neglect, or delay payment thereof, by himself or sufficient Deputy to apply in Our Name to Our Governors, Judges, Attornies General, or any other Our Officers or Magistrates to be aiding and assisting to him in recovering the same ; It is therefore Our WILL and PLEASURE that you Our Governor, Our Judges, Our Attornies General, and all other Our Officers, whom the same may concern, do use all lawful authority for the recovering and levying thereof.

66. You are to permit a liberty of Conscience to all Persons, (except Papists,) so they be contented with a quiet and peaceable enjoyment of the same, not giving Offence or Scandal to the Government.

67. You shall take especial care, that GOD ALMIGHTY be devoutly and duly served throughout your Government, the Book of Common Prayer, as by Law established, read on each Sunday and Holiday ; and the blessed Sacrament administered according to the Rites of the Church of England.

68. You shall be careful that the Churches, already built there, be well and orderly kept, and that more be built, as the Province shall, by GOD'S BLESSING, be improved ; and that, besides a competent maintenance to be assigned to the Minister of each Orthodox Church, a convenient House be built at the common charge for each Minister, and a competent proportion of Land assigned him for a Glebe, and exercise of his Industry.

69. You are not to prefer any Minister to any Ecclesiastical Benefice in that Our Colony without a Certificate from the Right Reverend Father in God the Lord Bishop of London, of his being conformable to the Doctrine and Discipline of the Church of England, and of a good life and conversation ; and if any Person, preferred already to

a Benefice, shall appear to you to give Scandal, either by his Doctrine or Manners, you are to use the proper and usual means for the removal of him.

70. You are to give orders forthwith, (if the same be not already done,) that every Orthodox Minister within your Government be one of the Vestry in his respective Parish; and that no Vestry be held without him, except in case of Sickness, or that, after notice of a Vestry summoned, he omit to come.

71. You are to enquire whether there be any Minister within your Government who Preaches and administers the Sacrament in any Orthodox Church or Chapel, without being in due Orders, and to give an account thereof to the said Lord Bishop of London.

72. AND to the end the Ecclesiastical Jurisdiction of the said Lord Bishop of London may take place in that Colony, so far as conveniently may be; WE do think fit, that you do give all countenance and encouragement to the exercise of the same, excepting only the collating to Benefices, granting Licences for Marriages, and Probate of Wills, which We have reserved to you Our Governor, and to the Commander in Chief of Our said Colony for the time being.

73. WE do further direct, that no Schoolmaster be henceforth permitted to come from England, and to keep School in the said Colony, without the Licence of the said Bishop of London; and that no other Person now there, or that shall come from other parts, shall be admitted to keep School in that Our said Colony of Virginia without your Licence first obtained.

74. AND you are to take especial care, that a Table of Marriages, established by the Canons of the Church of England, be hung up in every Orthodox Church and duly observed; and you are to endeavour to get a Law passed in the Assembly of that Colony, (if not already done,) for the strict observation of the said Table.

75. THE Right Reverend Father in God Edmund, late Lord Bishop of London, having presented a Petition to His late Majesty King George the first, humbly beseeching Him to send Instructions to the Governors of all the several Plantations in America, that they cause all Laws already made against Blasphemy, Profaneness, Adultery, Fornication, Polygamy, Incest, Profanation of the Lord's Day, Swearing and Drunkenness in their respective Governments, to be vigorously executed; and We thinking it highly just, that all Persons, who shall offend in any of the particulars aforesaid, should be prosecuted and punished for their said Offences, It is therefore Our WILL and PLEASURE, that you take due care for the punishment of the aforementioned Vices; and that you earnestly recommend it to the Assembly of Virginia to provide effectual Laws for the restraint and punishment of all such of the aforementioned Vices, against which no Laws are as yet provided; and also you are to use your endeavours to render the Laws in being more effectual, by providing for the punishment of the aforementioned Vices by Presentment on Oath to be made to the temporal Courts by the Church-Wardens of the several Parishes at proper times of the year, to be appointed for that purpose; And for the further discouragement of Vice, and encouragement of Virtue and good living, that by such example the Infidels may be invited and desire to embrace the Christian Religion, you are not to admit any Person to publick Trusts or Employments in the Colony under your Government, whose ill Fame and Conversation may occasion Scandal; And it is Our further WILL and PLEASURE, that you recommend to the Assembly to enter upon proper methods for the erecting and maintaining of Schools, in order to the training up of Youth to reading, and to a necessary knowledge of the principles of Religion.

76. You shall send to Us, by one of Our principal Secretaries of State, an account of the present number of In-

habitants, Men, Women and Children, as well Masters as Servants, free and unfree, and of the Slaves in Our said Colony; as also a yearly account of the Increase or Decrease of them, and how many of them are fit to bear Arms in the Militia of Our said Colony.

77. You shall also give unto Us, by one of Our principal Secretaries of State, an account every half year of what number of Negroes Our said Colony is supplied with, and at what Rates sold.

78. You shall not upon any occasion whatever establish or put in execution any articles of War, or other Law Martial upon any of Our Subjects, Inhabitants of Our said Colony of Virginia, without the advice and consent of Our Council there.

79. WHEREAS it is absolutely necessary, that WE be informed of the State of Defence of all Our Plantations in America, as well in relation to the Stores of War that are in each Plantation, as to the Forts and Fortifications there; and what more may be necessary to be built for the Defence and Security of the same; you are as soon as possible to prepare an account thereof with relation to Our said Colony of Virginia in the most particular manner. And you are therein to express the present State of the Arms, Ammunition and other Stores of War belonging to the said Colony, either in any publick Magazines, or in the hands of private Persons, together with the State of all Places either already fortified, or that you judge necessary to be fortified for the Security of Our said Colony. And you are to transmit the said accounts to Us by one of Our principal Secretaries of State; as also a duplicate thereof to Our Master General, or principal Officers of Our Ordnance; which accounts are to express the particulars of Ordnance, Carriages, Ball, Powder, & all other sort of Arms & Ammunition in Our publick Stores at your arrival, and so from time to time of what shall be sent to you, or bought with the publick Money, and to specify the time of

the disposal, and the occasion thereof; and other like accounts half yearly in the same manner.

80. YOU are to take especial Care, that fit Storehouses be settled throughout Our said Colony, for receiving and keeping of Arms, Ammunition and other publick Stores.

81. WHEREAS by a Clause in the Act above recited passed in Our Colony of Virginia in the year 1680, "for raising a publick Revenue for the better support of the Government of His Majesty's Colony of Virginia," a Duty of Powder and Shot, or an equivalent in Money in lieu thereof is laid on the Tonnage of any Ship or Vessel coming to Our said Colony, which Act is perpetual: And whereas it hath been found by experience, that the raising the said Duty in kind only, where Gunpowder can possibly be had, has been of great Service in furnishing the Magazines with Powder for the Defence of Our Colonies in times of Danger; It is Our Royal WILL and PLEASURE, and you are hereby required and directed to recommend it to the Assembly of Our said Colony to pass a new Law for imposing and collecting a Duty of Powder and Shot; and that such Law be made perpetual: That a certain Time not exceeding twelve Months be allowed by the said Act for giving notice thereof to the several Masters of Vessels trading to Our said Colony; and that for the more ample notification thereof, a Proclamation be also published there, declaring that, from and after the time limited in the said Act, no Commutation shall be allowed, but upon evident necessity, which may sometimes happen, whereof you or the Commander in Chief of Our said Colony, for the time being, are to be the Judge: in which case the Master shall pay the full price Gunpowder sells for there; and the Money so collected shall be laid out as soon as may be in the purchase of Gunpowder. And you are also to transmit every six Months to Us, by one of Our principal Secretaries of State, an account of the particular Quantities of Powder collected under the

said Act, and also a Duplicate thereof to the Master General or principal Officers of Our Ordnance.

82. You shall cause a Survey to be made of all the considerable landing Places and Harbours in Our said Colony, and with the advice of Our Council there, erect in any of them such Fortifications as shall be necessary for the security and advantage of the said Colony, which shall be done at the publick Charge; And you are accordingly to move the General Assembly to the passing of such Acts, as may be requisite for the carrying on that work, in which We doubt not their chearful Concurrence from the common Security and Benefit they will receive thereby.

83. AND in case of the distress of any other of Our Plantations, you shall, upon application of the respective Governors thereof to you, assist them with what aid the condition and safety of Our Colony under your Government can spare.

84. WHEREAS We have been informed, that in times of War Our Enemies have frequently got intelligence of the State of Our Plantations, by Letters from private Persons to their Correspondents in Great Britain, taken on board Ships coming from the Plantations, which has been of dangerous consequence, Our WILL and PLEASURE is, that you signify to all Merchants, Planters, and others, that they be very cautious in time of War, whenever that shall happen, in giving any account by Letters of the publick State and Condition of Our Colony of Virginia: And you are further to give Directions to all Masters of Ships, or other Persons, to whom you may intrust your letters, that they put such Letters into a Bag with a sufficient weight to sink the same immediately, in case of imminent Danger from the Enemy. And you are also to let the Merchants and Planters know, how greatly it is for their Interest, that their Letters should not fall into the hands of the Enemy: And that they should give the like Orders to Masters of Ships in relation to their Letters; and you are further to

advise all Masters of Ships, that they do sink all Letters in case of Danger in the manner beforementioned.

85. AND whereas the Merchants and Planters in America have, in time of War, corresponded and traded with Our Enemies, and carried Intelligence to them, to the great prejudice and hazard of the British Plantations, you are therefore by all possible methods to hinder such Trade and Correspondence in time of War.

86. You are likewise from time to time to give unto Us, by one of Our principal Secretaries of State, an account of the Wants and Defects of Our said Colony, what are the chief Products thereof; what new Improvements are made therein by the Industry of the Inhabitants or Planters; and what further Improvements you conceive may be made, or advantages gained by Trade, and which way We may contribute thereunto.

87. If any thing shall happen which may be for the advantage and security of Our said Colony, which is not herein or by Our Commission provided for, We do hereby allow unto you, with the advice and consent of Our said Council, to take order for the present therein, giving unto Us, by one of Our principal Secretaries of State, speedy notice thereof, that so you may receive Our Ratification, if We shall approve the same: Provided always, that you do not, by colour of any Power or Authority hereby given you, commence or declare War without Our Knowledge and particular Commands therein, except it be against Indians upon Emergencies, wherein the consent of Our Council shall be had, and speedy notice given thereof to Us by One of Our principal Secretaries of State.

88. AND for the maintenance and support of you, Our Lieutenant and Governor General of Our Colony and Dominion of Virginia, and of the Dignity of that Our Government, Our WILL and PLEASURE is, that you do take to yourself, out of Our Revenue arising from the Duty of two shillings & hogshead on Tobacco, the sum of two

thousand Pounds sterling $\pounds$ annum by quarterly payments. And you shall also cause to be paid out of Our said Revenue to the Members of Our Council, the Judges and other Officers, as well Civil as Military, and to the Marshal, Clerk of Assembly, Gunners and Matrosses, the usual Salaries and Allowances, as already established, or such other as you, with the advice of Our Council, shall think requisite and reasonable, a true account whereof you shall transmit every six Months unto Us by one of Our principal Secretaries of State, & to our Commissioners of Our Treasury, or to Our high Treasurer for the time being.

89. AND whereas great Prejudice may happen to Our Service, and to the Security of Our said Colony by the absence of you Our Lieutenant and Governor General, or the Commander in Chief of Our said Colony for the time being from those parts; Our WILL and PLEASURE is, that neither you Our Lieutenant and Governor General, nor Our Commander in Chief for the time being, shall, upon any pretence whatsoever, come to Europe, without having first obtained leave for so doing from Us under Our Sign Manual and Signet, or by Our Order in Our Privy Council: Yet nevertheless, in case of Sickness, you or he may go to New York, or any other of Our neighboring Plantations, and there stay for such a space as the recovery of your or their Health may absolutely require.

90. AND whereas WE have thought fit by Our Commission to direct, that in case of your Death or Absence from Our said Colony, and in case there be at that time no person upon the Place Commissionated or appointed by Us to be Our Lieutenant Governor or Commander in Chief, the eldest Councillor, who shall be at the Time of your Death or Absence residing within Our said Colony or Dominion of Virginia, shall take upon him the administration of the Government, and execute Our said Commission and Instructions, and the several Powers and Authorities therein contained in the manner thereby directed. It is neverthe-

less Our express WILL and PLEASURE, that in such case the said President shall forbear to pass any Acts, but what are immediately necessary for the Peace and Welfare of Our said Colony, without Our particular Order for that purpose, and that he shall not take upon him to dissolve the Assembly then in being, nor to remove nor suspend any of the Members of Our said Council, nor any Judges, Justices of the Peace, or other Officers, Civil or Military, without the advice and consent of at least seven of the Council. And the said President is to transmit to Us by one of Our principal Secretaries of State, by the first opportunity, the Reasons of such Alterations, signed by himself and by Our Council.

91. AND whereas WE are willing in the best manner, to provide for the support of the Government of Our said Colony, by setting apart a sufficient allowance to such as shall be Our Lieutenant Governor or President of Our Council Commanding in Chief residing for the time being within the same, Our WILL and PLEASURE therefore is, that, when it shall happen that you shall be absent from Our said Colony, one full Moiety of the Salary, and of all Perquisites and Emoluments whatsoever, which would otherwise become due unto you, shall, during the time of your absence from Our said Colony, be paid and satisfied unto such Lieutenant Governor, or President of Our Council commanding in chief, who shall be resident upon the Place for the time being, which WE do hereby order and allot unto him towards his maintenance, and for the better support of the Dignity of that Our Government.

92. AND you are upon all occasions to send to Us by one of Our principal Secretaries of State, a particular account of all your Proceedings, and of the Condition of Affairs within your Government.

G. R.

Indorsed, "Instructions as G^r of Virginia."

INSTRUCTIONS TO LORD DUNMORE.

GEORGE R.

L.S.

ORDERS and INSTRUCTIONS to Our Right Trusty and Right Wellbeloved Cousin, John, Earl of Dunmore, Our Lieutenant and Governor General of Our Colony and Dominion of Virginia in America, In pursuance of several Laws relating to the Trade and Navigation of this Our Kingdom of Great Britain and Our Colonies and Plantations in America. GIVEN at Our Court at St. James's the Seventh Day of February, 1771, In the Eleventh Year of Our Reign.

FIRST. You shall inform yourself of the principal Laws relating to the Plantation Trade, and shall take a solemn Oath to do your utmost, that all the Clauses, Matters and Things contained in all Acts of Parliament now in force, or that hereafter shall be made relating to Our Colonies or Plantations, be punctually and *bonâ fide* observed, according to the true intent and meaning thereof.

2. AND whereas by an Act made in the 7th and 8th years of the Reign of King William the Third, intituled "An Act for preventing Frauds and regulating Abuses in the Plantation Trade," the Officers appointed for the performance of certain things, mentioned in An Act passed in the 15th year of the Reign of King Charles the Second intituled "An Act for the encouragement of Trade," commonly known by the name of the Naval Officers, are to give Security to the Commissioners of Our Customs in Great Britain for the time being, or such as shall be appointed by them for Our use, for the true and faithful performance of their Duty, you shall take care that the said Naval Officers do give such Security to the said Commissioners of Our Customs,

as the persons appointed by them who are impowered to take the same, in the manner thereby enjoined; and that he or they produce to you a Certificate from them of his or their having given Security, pursuant to a Clause in the said Act: and you are not to admit any person to act as Naval Officer who does not within two Months, or as soon as conveniently may be after he has entered into the execution of his Office, produce a Certificate of his having given such Security as aforesaid.

3. AND whereas it is necessary for the more effectual dispatch of Merchants and others, that the Naval Officers and the Collectors of the Customs should reside at the same Ports, or Towns; you are therefore to take care that this Regulation be observed.

4. WHEREAS by the Act for the encouraging and increasing of Shipping and Navigation passed in the 12th Year of the Reign of King Charles the Second, no Goods or Commodities whatsoever, are to be imported into or exported out of any of Our Colonies or Plantations, in any other Ships or Vessels whatsoever, but in such as do truly and without Fraud, belong only to Our People of Great Britain or Ireland or are of the Built of, and belonging to any of Our Lands, Islands and Territories, as the Proprietors and right Owners thereof, and whereof the Master and three fourths of the Mariners at least are British, under the penalty of the forfeiture and loss of all the Goods & Commodities which shall be imported into or exported from any of the said Places in any other Ship or Vessel, as also of the Ship or Vessel, with her Guns, Furniture, &c. And whereas by a Clause in the Act for preventing Frauds and regulating Abuses in the Customs, passed in the 13th and 14th Years of the Reign of King Charles the Second, no foreign built Ship, that is to say, not built in any of Our Dominions of Asia, Africa, or America, shall enjoy the privilege of a Ship belonging to Great Britain or Ireland, altho' owned and manned by British Subjects (except such

Ships only, as shall be taken at Sea by Letters of Mart or Reprizal, and Condemnation thereof made in Our Court of Admiralty as lawful Prize) but all such Ships shall be deemed as alien's Ships, and be liable to all Duties, that Alien's Ships are liable to by virtue of the aforesaid Act for the encouraging and increasing of Shipping and Navigation; And whereas by a Clause in the Act for preventing Frauds and regulating Abuses in the Plantation Trade, it is enacted, that no Goods or Merchandizes whatsoever, shall be imported into or exported out of any of Our Colonies or Plantations in Asia, Africa, or America, or shall be laden in or carried from any one Port or Place in the said Colonies or Plantations, to any other Port or Place in the same, or to Our Kingdom of Great Britain, in any Ship or Bottom, but what is or shall be of the Built of Great Britain or Ireland, or of the said Colonies or Plantations, and wholly owned by the People thereof, or any of them, and navigated with the Master and three fourths of the Mariners of the said places only, except such Ships only as shall be taken as Prize, and Condemnation thereof made in one of the Courts of Admiralty in Great Britain, Ireland, or the said Plantations, to be navigated by the Master and three fourths of the Mariners British, or of the said Plantations as aforesaid, and whereof the Property doth belong to British Subjects, on pain of forfeiture of Ship and Goods; And whereas by another Clause in the said Act for the more effectual preventing Frauds, which may be used by colouring of foreign Ships under British names; It is further enacted, that no Ship or Vessel whatsoever, shall be deemed or pass as a Ship of the Built of Great Britain, Ireland, Guernsey, Jersey, or any of Our Plantations in America so as to be qualified to trade to, from, or in any of the said Plantations, until the person or persons claiming property in such Ship or Vessels shall register the same in manner thereby appointed; you shall take care and give in charge, that these matters and things be duly observed

within Our said Colony under your Government, according to the true intent and meaning of the said Acts, and the Offences and Offenders prosecuted according to the directions thereof; and where it is required that the Master and three fourths of the Mariners be British, you are to understand that the true intent and meaning thereof is, that they shall be such during the whole Voyage, unless in case of Sickness, Death, or being taken Prisoners in the Voyage, to be proved by the Oath of the Master, or other Chief Officer of the Ship, and none but Our Subjects of Great Britain, Ireland, or the Plantations, are to be accounted British.

5. WHEREAS by the said Act of Navigation, as the same stands amended and altered by the aforesaid Act, for regulating the Plantation Trade, it is enacted, that for every Ship or Vessel which shall set sail out of or from Great Britain for any British Plantation in America, Asia, or Africa, sufficient Bond shall be given with one Surety to the Chief Officer of the Customs of such Port or Place from whence the said Ship shall set sail, to the value of One Thousand Pounds, if the Ship be of less Burthen than one hundred Tons, and of the sum of two thousand Pounds, if the Ship shall be of greater Burthen, that in case the said Ship or Vessel shall load any of the Commodities therein enumerated, Viz: Sugar, Tobacco, Cotton, Wool, Indigo, Ginger, Fustick, or other dying Wood of the growth, production or manufacture of any British Plantation in America, Asia, or Africa, at any of the said British Plantations, the said Commodities shall by the said Ship be brought to some Port of Great Britain, and be there unladen and put on Shore, the Danger of the Seas only excepted, and for all Ships coming from any Port or Place to any of the aforesaid Plantations, which by this Act are permitted to trade there, that the Governors of such British Plantations shall, before the said Ship or Vessel be permitted to load on board any of the said Commodities,

take Bond in manner and to the value aforesaid, for each respective Ship or Vessel, that such Ship or Vessel shall carry all the aforesaid Goods, that shall be loaden on board the said Ship or Vessel to some other of the said British Plantations or to Great Britain, and that every Ship or Vessel which shall load or take on board any of the aforesaid Goods, until such Bond be given to the said Governor, or Certificate produced from the Officers of any Custom House of Great Britain, that such Bond hath been there duly given, shall be forfeited, with her Guns, Tackle, Apparel and Furniture, to be employed and recovered as therein is directed; And whereas by two Acts passed in the 3^d and 4th years of the Reign of Queen Anne, the one, intituled "An Act for encouraging the Importation of Naval Stores from Her Majesty's Plantations in America" and the other, "An Act for granting to Her Majesty a further subsidy on Wines and Merchandizes imported" and by two other Acts, passed in the 8th year of the Reign of King George the First, the one intituled "An Act for Encouragement of the Silk Manufactures of this Kingdom, and for taking off several Duties on Merchandizes exported, and for reducing the Duties upon Beaver Skins, Pepper, Mace, Cloves, and Nutmegs imported, and for importation of all Furs of the product of the British Plantations into this Kingdom only;" the other intituled, "An Act to prevent the clandestine running of Goods, &c., and to subject Copper Ore of the production of the British Plantations to such regulations as other enumerated Commodities of the like production are subject," continued by an Act passed in the 8th year of His said late Majesty's Reign; and still in force, all Rice (except under the regulations prescribed in the Acts of the 3^d year of His late Majesty's Reign, and the fourth and fifth years of Our Reign), Melasses, Furs, Hemp, Pitch, Tar, Turpentine, Masts, Yards, Bowsprits, and Copper Ore, and by an Act passed in the fourth year of Our Reign all Coffee, Pimento, Cocoa Nuts, Whalefins, Raw Silk, Hides

and Skins, Pot and Pearl Ashes, of the growth, production, or manufacture of any British Colony or Plantation in America, are under the like Securities and Penalties restrained to be imported into this Kingdom, as the other above-mentioned enumerated Commodities; And whereas by an Act passed in the 5th year of Our Reign, intituled, "An Act for more effectually preventing the Mischiefs arising to the Revenue and Commerce of Great Britain and Ireland from the illicit & clandestine Trade to and from the Isle of Man" no Rum or other Spirits shall be shipped or laden in any British Colony or Plantations in America, but on condition that the same shall not be carried to or landed in the Isle of Man, under the like Securities, Penalties and forfeitures, and whereas by another Act made in the 6th year of Our Reign, intituled "An Act for opening and establishing certain Ports in the Islands of Jamaica and Dominica for the more free Importation and Exportation of certain Goods and Merchandizes; for granting certain Duties to defray the Expenses of opening, maintaining, securing and improving such Ports, for ascertaining the Duties to be paid upon the Importation of Goods from the said Island of Dominica into this Kingdom, and for securing the Duties upon Goods imported from the said Island into any other British Colony," all Wool, Cotton Wool, Indigo, Cochineal, Fustick, and all manner of dying Drugs or Woods, Drugs used in Medicines, Hair, Furs, Hides and Skins, Pot and Pearl Ashes, Whale fins, and Raw Silk of the growth and produce of any foreign Colony or Plantation, shall, upon the exportation thereof from either of the said Islands of Dominica or Jamaica, be imported from thence directly into Great Britain, under the like Securities, Penalties and forfeitures, and by the said Act of the 6th year of Our Reign no Goods whatever, shall or may be exported from the said Island of Dominica to any part of Europe to the northward of Cape Finisterre, except to Great Britain, and such Goods shall be there

landed under the same Securities, Regulations and Restrictions, and subject to the like penalties and forfeitures ; You are therefore to take particular care and give the necessary directions, that the true intent and meaning of all the said Acts be strictly and duly complied with.

6. You shall carefully examine all Certificates which shall be brought to you of Ships giving Security in this Kingdom to bring their Lading of Plantation Goods hither, as also Certificates of having discharged their Ladings of Plantation Goods in this Kingdom pursuant to their Securities ; and whereas the better to prevent any of the aforesaid Certificates from being counterfeited, the Commissioners of Our Customs have thought fit to sign the same ; It is therefore Our WILL and PLEASURE, that no such Certificates be allowed of unless the same be under the Hands and Seals of the Customer, Comptroller, and Collector of the Customs in some Port in this Kingdom, or two of them, as also under the hands of four of Our Commissioners of the Customs at London, or three of Our Commissioners of the Customs at Edinburgh, and where there shall be reasonable ground of Suspicion that the Certificate of having given Security in this Kingdom is false and counterfeit, in such case, you or the person, or persons appointed under you, shall require and take sufficient Security for the discharge of the Plantation Lading in this Kingdom, and where there shall be cause to suspect, that the Certificate of having discharged the Lading of Plantation Goods in this Kingdom is false and counterfeit, you shall not cancel, or vacate the Security given in the Plantations, until you shall be informed from the Commissioners of Our Customs in Great Britain, that the Matter of the said Certificate is true ; and if any person or persons shall counterfeit, raze or falsify any such Certificate for any Vessel or Goods or shall knowingly or wittingly make use thereof, you shall prosecute such person for the forfeiture of the Sum of five hundred Pounds, according to a Clause

of the aforesaid Act for preventing Frauds and Regulating Abuses in the Plantation Trade; and pursuant to the said Act, you shall take care, that in all such Bonds to be hereafter given or taken in the Colony under your Government, the Sureties therein named, be persons of known residence and ability there, for the value mentioned in the said Bonds, and that the Condition of the said Bonds be within eighteen Months after the date thereof, the danger of the Seas excepted, to produce a Certificate of having landed and discharged the Goods therein mentioned, in one of Our Plantations or in this Kingdom, otherwise to attest the Copy of such Bonds under your hand and Seal, and to cause prosecution thereof: And it is Our further WILL and PLEASURE, that you do give directions to the Naval Officer or Officers not to admit any person to be Security for another, who has Bonds standing out and undischarged, unless he be esteemed responsible for more than the value of such Bonds.

7. AND you are also to give Directions to the said Naval Officer or Officers, to advise with the Collector of the Port or District in taking Bonds, and not to admit any person to be Security in any Plantation-Bond, until approved by the said Collector; And whereas Lists of all Certificates, granted in South Britain, for the discharge of Bonds given in the Plantations, are every Quarter sent to the Collectors of the Districts where such Bonds are given, the said Naval Officer or Officers is, or are to take care that no Bond be discharged or cancelled by him or them without first advising with the Collector, and examining the said List to see that the Certificate is not forged or counterfeited; And whereas the principal officers of Our Customs in America are directed to examine, from time to time, whether the Plantation Bonds be duly and regularly discharged, you are to give directions, that the said Officers be permitted to have recourse to the said Bonds, as well as the Book or Books, in which they are or ought to be entered, and to

examine, as well whether due Entry thereof be made, as whether they are regularly taken and discharged, and where it shall appear that Bonds are not regularly discharged, you are to order that such Bonds be put in Suit.

8. You are to understand that the payment of the Rates and Duties, imposed by An Act intituled “ An Act for the encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade ” passed in the 25th Year of the Reign of King Charles the Second, on the several Plantation Commodities therein enumerated, doth not give liberty to carry the said Goods to any other place, than to some of Our Plantations, or to Great Britain only: & that notwithstanding the payment of the said Duties, Bond must be given to carry the said Goods to some of the said Plantations, or to Great Britain and to no other place:

9. You shall every three Months, or oftener, or otherwise, as there shall be opportunity of Conveyance, transmit to the Commissioners of Our Treasury or Our High Treasurer for the time being, and to the Commissioners of Our Customs in London, a List of all Ships or Vessels trading in the said Colony, according to the Form and Specimen hereunto annexed, together with a List of the Bonds taken pursuant to the Act passed in the 22^d and 23^d years of King Charles the Second's Reign, intituled “ An Act to prevent planting Tobacco in England, and for regulating the Plantation Trade ; ” and you shall cause Demand to be made of every Master at his clearing of an Invoice of the Contents and Quality of his lading, &c., according to the Form hereunto also annexed ; and inclose a Copy thereof by some other Ship, or for want of such Opportunity, by the same Ship, under Cover, sealed and directed to the Commissioners of Our Treasury, or Our High Treasurer for the time being, and to the Commissioners of Our Customs in London, and send another Copy of the said Invoice in like manner to the Collector of that Port in this Kingdom for

the time being, to which such Ship shall be said to be bound.

10. WHEREAS by the aforesaid Act for the encouragement of Trade, no Commodities of the growth, production or manufacture of Europe, except Salt for the Fishery of New England and Newfoundland, Wines of the growth of the Madeiras or Western Islands or Azores, Servants and Horses from Ireland, and all Sorts of Victuals of the growth and production of Ireland, and Salt to the Provinces of Pennsylvania, New York, Nova Scotia, and Quebec, in pursuance of five Acts passed in the 13th year of the Reign of King George the first, in the third year of His late Majesty's Reign, and in the second, fourth, and sixth years of Our Reign, shall be imported into any of Our Colonies or Plantations, but what be *boná fide* and without fraud laden and shipped in Great Britain, and in Ships duly qualified: You shall use your utmost endeavours for the due observance thereof, and if contrary hereunto, any Ship or Vessel shall import into Our said Colony under your Government, any Commodities of the growth, production or Manufacture of Europe, but what are before excepted, of which due proof shall not be made, that the same were shipped or laden in some Port of Great Britain, by producing Cocquets or Certificates under the hands and seals of the Officers of Our Customs, in such Port or Place where the same were laden, such Ship or Vessel and Goods shall be forfeited; and you are to give in charge, that the same be seized and prosecuted accordingly.

11. AND in order to prevent the Acceptance of forged Cocquets or Certificates, which hath been practised to Our great prejudice, you are to give effectual Orders, that for all such European Goods as by the said Act are to be shipped and laden in Great Britain, Cocquets for the same from hence be produced to the Collectors or other Officers of Our Customs in Our aforesaid Colony under your Government, for the time being, before the unlading thereof;

and you shall give Order that no European Goods be landed but by Warrant from the said Collector in the presence of an Officer appointed by him; and for the better prevention of Frauds of this kind, you shall take care, that, according to the said Act of Trade, no Ship or Vessel shall be permitted to lade or unlade any Goods or Commodities whatsoever, until the Master or Commander thereof shall first have made known to you, or such Officer or other person as shall be thereunto authorized & appointed, the Arrival of such Ship or Vessel with her name, and the name and Surname of the Master, and hath shewn, that She is a Ship duly navigated and otherwise qualified according to Law, and hath delivered to you or such other person as aforesaid, a true and perfect Inventory of her lading, together with the place or places in which the said goods were laden, and taken into the said Ship or Vessel under forfeiture of such Ship and Goods.

12. You shall not make or allow of any Laws, Bye Laws, Usages or Customs in Our said Colony under your Government, which are repugnant to the said Laws, herein before mentioned, or any of them, or to any other Law already made or hereafter to be made in this Kingdom, so far as such Laws relate to, and mention the said Plantations, but you shall declare all such Laws, Bye Laws, Usages and Customs in Our said Colony under your Government, which are any wise repugnant to the said Laws or any of them, to be illegal, null and void to all intents and purposes whatsoever.

13. You shall be aiding and assisting to the Collectors and other Officers of Our Admiralty and Customs, appointed, or that shall hereafter be appointed by the Comm^{rs} of Our Customs in this Kingdom, by and under the Authority and direction of the Comm^{rs} of Our Treasury, or Our High Treasurer of Great Britain for the time being, or by Our High Admiral or Commissioners for executing the Office of High Admiral of Great Britain for the time

being, in putting in execution the several Acts of Parliament before mentioned ; and you shall cause due prosecution of all such Persons as shall any ways hinder or resist any of the said Officers of Our Admiralty or Customs in the performance of their Duty : It is likewise Our WILL and PLEASURE, and you are hereby required, by the first Opportunity, to move the Assemblies of Our said Colony, that they provide for the Expence of making Copies for the principal Officers of Our Customs in Our said Colony for the time being, of all Acts and Papers, which bear any relation to the Duty of their Office ; and in the mean time you are to give Orders, that the said Officers for the time being, as aforesaid, be allowed a free Inspection in the Publick Offices within your Government, of all such Acts and Papers, without paying any Fee or Reward for the same.

14. WHEREAS the Commissioners appointed for collecting the sixpence per Month from Seamen's Wages, for Our Royal Hospital at Greenwich, pursuant to an Act of Parliament passed in the second Year of His late Majesty's Reign, intituled, "An Act for the more effectual collecting in Great Britain, and Ireland, and other parts of His Majesty's Dominions, the Duties granted for the support of the Royal Hospital at Greenwich," have given Instructions to their Receivers in foreign Parts for their Government therein ; It is therefore Our WILL and PLEASURE, that you be aiding and assisting to the said Receivers in Your Government, in the due Execution of their Trusts.

15. AND whereas by an Act passed in the sixth Year of His late Majesty's Reign, intituled "An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in America," and by another Act passed in the fourth year of Our Reign, intituled, "An Act for granting certain Duties in the British Colonies and Plantations in America, &c," Duties are laid on all Sugar, Paneles, & several other Species of Goods therein enumerated, of the

Produce & Manufacture of any of the Plantations not in Our Dominion, which shall be imported into any of Our Colonies or Plantations ; notwithstanding which We are informed, that great quantities of foreign Sugar, Paneles and other Goods mentioned in the aforesaid Acts are clandestinely landed in Our Plantations without payment of the said Duties, Our WILL and PLEASURE is, that you be aiding and assisting to the Collectors and other Officers of Our Customs in Your Government, in collecting the said Duties, and seizing all such Goods as shall be so clandestinely landed or put on Shore, without payment of the Duties, and you shall cause due Prosecution of all such Sugar, Paneles and other Goods, as shall be seized for Non Payment of the Duties, as well as the persons aiding or assisting in such unlawful Importations, or that shall hinder, resist or molest the Officers in the due Execution of the said Laws, and you are to observe, that Our share of all Penalties and Forfeitures, so recovered, is pursuant to the said Act made in the fourth year of Our Reign, to be paid into the hands of Our Collector of the Customs at the Port or Place where the same shall be recovered for Our Use.

16. You shall take Care that upon any Actions, Suits and Informations, that shall be brought, commenced or entred in Our said Colony under Your Government, upon any Law or Statute concerning Our Duties, or Ships, or Goods, to be forfeited, by reason of any unlawful Importations or Exportations, there be not any Jury but of such as are Natives of Great Britain, or Ireland, or are born in any of Our said Plantations.

17. You shall take Care, that all places of Trust in the Courts of Law, or in what relates to the Treasury of Our said Colony under your Government, be in the Hands of Our Native born Subjects of Great Britain, or Ireland, or the Plantations.

18. AND that there may be no Interruption or Delay, in

matters of Prosecution and Execution of Justice in Our Courts of Judicature within Our said Colony under Your Government, by the Death or Removal of any of Our Officers imployed therein, until we can be advised thereof, and appoint others to succeed in their Places, you shall make choice of Persons of known Loyalty, Experience, Diligence, and Fidelity, to be employed for the purposes aforesaid, until you shall have Our Approbation of them, or the nomination of others from hence.

19. YOU shall from time to time correspond with the Commissioners of Our Customs in London for the time being; and advise them of all Failures, Neglects, Frauds, and Misdemeanors of any of the Officers of Our Customs in Our said Colony under Your Government, and shall also advise them, as Occasion shall offer, of all Occurrences necessary for their Information, relating either to the aforesaid Laws of Trade, and Navigation, or to Our Revenue of Customs and other Duties under their Management, both in Great Britain and the Plantations.

20. IF you shall discover that any Persons or their Assigns, claiming any Right or Propriety in any Island or Tract of Land in America, by Charter or by Letters Patent, shall at any time hereafter Alien, sell or dispose of such Island, Tract of Land, or Propriety, other than to Our natural born Subjects of Great Britain, without the Licence or Consent of Us, Our Heirs, or Successors, signified by Our or their Order in Council first had and obtained, you shall give notice thereof to Us, and to Our Commissioners of Our Treasury, or Our High Treasurer of Great Britain for the time being.

21. WHEREAS by the aforesaid Act for preventing Frauds and regulating Abuses in the Plantation Trade, it is provided for the more effectual prevention of Frauds, which may be used to elude the Intention of the said Act by colouring foreign Ships under British Names, that no Ship or Vessel shall be deemed or pass as a Ship of the

Built of Great Britain or Ireland, Guernsey, Jersey, or any of Our Plantations in America, so as to be qualified to trade to, from or in any of Our said Plantations, until the Person or Persons claiming Property in such Ship or Vessel, shall register the same in manner thereby directed: you shall take Care that no foreign built Ship be permitted to pass as a Ship belonging to Our Kingdom of Great Britain or Ireland until proof be made upon Oath, of one or more of the Owners of the said Ship, before the Collector or Comptroller of Our Customs in such Port to which she belongs, or upon like Proof before yourself, with the principal Officers of Our Revenue residing in Our aforesaid Colony under your Government; if such Ship shall belong to the said Colony; which Oath you and the Officers of Our Customs respectively are authorized to administer, in manner thereby directed, and being attested by you and them, so administering the same, and registred in due Form according to the specimen hereunto annexed, you shall not fail immediately to transmit a Duplicate thereof to the Commissioners of Our Customs in London, in order to be entred in a general Register, to be there kept for that purpose, with Penalty upon every Ship or Vessel trading to, from, or in any of Our said Plantations in America, as aforesaid, and not having made proof of her Built and Property as by the aforementioned Act is directed; and shall be liable to such Prosecution and Forfeiture as any Foreign Ship (except Prizes condemned in Our high Court of Admiralty) would for trading with Our Plantations by the said Law be liable unto; with this Proviso, that all such Ships, as have been or shall be taken at Sea by Letters of Marque or Reprizal, and Condemnation thereof made in Our high Court of Admiralty as lawful Prize, shall be specially registred, mentioning the Capture & Condemnation, instead of the time and place of Building: with Proof also upon Oath, that the entire property is British, before any such Prize be allowed the Privilege

of a British Built Ship, according to the meaning of the said Act: And that no Ship's Name registred be afterwards changed, without registering such Ship *de novo*, which by the said Act is required to be done upon any transfer of Property to another Port, & delivering up the former Certificate to be cancelled, under the same Penalties, and in like method; And in Case of any Alteration of Property, in the same Port by the sale of one or more shares in any Ship after registering thereof, such Sale shall always be acknowledged by endorsement on the Certificate of Register before two Witnesses, in order to prove that the entire property in such Ship remains to some of Our Subjects of Great Britain, if any dispute shall arise concerning the same.

22. WHEREAS by the Act passed in the twenty first Year of His late Majesty's Reign, for encouraging the making of Indigo in the British Plantations in America, as the same stands continued and amended by an Act passed in the third year of Our Reign, a præmium of four pence per pound is allowed on the Importation of Indigo of the Growth of the British Plantations; and there are likewise contained in the said Act several Provisions to prevent Frauds by importing foreign Plantation made Indigo, or any false Mixtures in what is made in the British Plantations, with a View to recover the said Præmium, It is therefore Our WILL and PLEASURE, that if there now are, or hereafter shall be any Plantations of Indigo within Our said Colony under your Government, you do take particular care that the said Provisions be duly and punctually complied with, and do likewise from time to time transmit to Us, by one of Our Principal Secretaries of State, an Account of all such Plantations of Indigo, with the Names of the Planters and the Quantity of Indigo they make; as also the Quantity of such Indigo exported from the said Colony, distinguishing the time when exported, and the Port where shipped, the Names of the Vessels, and the Port to which

bound ; And if there be any foreign Indigo imported into the said Colony : It is Our further WILL and PLEASURE, that you do in like manner transmit an Account of such foreign Indigo imported, distinguishing the time when, and the place from whence imported, together with an Account of such foreign Indigo exported, and the Port where shipped, the Names of the Vessels, and the Port to which bound.

23. WHEREAS by the Act passed in the tenth Year of the Reign of King William the third to prevent the Exportation of Wool out of the Kingdoms of Ireland and England into foreign parts, and for the Encouragement of the Woollen Manufactures in the Kingdom of England ; It is amongst other things, therein enacted, that no Wool, Woolfels, Shortlings, Mortlings, Woolflocks, Worsted, Bays, or Kerseys, Says, Freezes, Druggets, Cloth Serges, Shalloons, or any other Drapery Stuffs or Woollen Manufactures whatsoever made or mixed with Wool or Woolflocks being of the Product or Manufacture of any of the British Plantations in America, shall be laden or laid on Board in any Ship or Vessel, in any Place or Port within any of the said British Plantations, upon any pretence whatsoever ; as also that no such Wool or other the said Commodities, being of the Product or Manufacture of any of the said British Plantations, shall be loaden upon any Horse, Cart, or other Carriage, to the intent and purpose to be exported, transported, carried or conveyed out of the said British Plantations, to any other of Our Plantations, or to any other place whatsoever, upon the same and like pains, penalties, and Forfeitures, to and upon all the Offender and Offenders therein, within all and every of Our said British Plantations respectively, as are provided and prescribed by the said Act for the like Offences committed within Our Kingdom of Ireland ; You are to take effectual Care, that the true Intent and Meaning thereof, so far forth as it relates to you, be duly put in Execution.

24. In the Act made in the twenty-fourth year of His late Majesty's Reign, for the more effectually securing the Duties upon Tobacco, there is a Clause to prevent Frauds in the Importation of Bulk Tobacco, enacting that no Tobacco shall be Imported into this Kingdom, otherwise than in Cask, Chest, or Case containing 450 Pounds Weight of Tobacco each, under Penalty of the Forfeiture thereof; you shall take Care, that this part of the said Act be made publick, that none may pretend Ignorance; and that the true Intent and Meaning thereof be duly put in Execution within your Government.

25. AND whereas His Majesty King George the first was informed, that a Clandestine Trade had been carried on as well by British as foreign Ships from Madagascar and other parts beyond the Cape of Bona Esperanza, within the limits of Trade granted to the United East India Company; directly to Our Plantations in America, to the great Detriment of these Realms, and in breach of the several Laws in force relating to Trade and Navigation; Our WILL & PLEASURE is, that you the said John, Earl of Dunmore, or in your absence, the Commander in Chief of Our said Colony of Virginia, for the time being, duly observe and cause to be strictly observed, the several Laws and Statutes now in force for the regulating of Trade and Navigation, particularly the several Acts of Parliament already mentioned in your General and in these Instructions; And in Order to the better Execution of the Laws and Statutes abovementioned, upon the first notice of the arrival of any Ship or Ships, within the limits of any Port of or belonging to Your Government, which have or are suspected to have on board any Negroes, Goods, or Commodities, of the Growth, Produce, or Manufacture of the East Indies, Madagascar, or any parts or places beyond the Cape of Bona Esperanza, within the limits of Trade granted to the United East India Company, pursuant to the aforementioned Act of the Ninth and Tenth of King William,

you shall immediately cause the Officers of Our Customs in Your Government, and any other Officers or Persons in aid of them to go on board such Ship or Ships, and to visit the same, and to examine the Masters and other Commanders, the Officers and Sailors on Board such Ship or Ships, and their Charter Parties, Invoices, Cocquets & other Credentials, Testimonials or Documents, and if they find that such Ship or Ships came from the East Indies, Madagascar, or any other parts or places beyond the Cape of Bona Esperanza, within the limits of Trade granted to the said United East India Company, and that there are on board any such Goods, Commodities or Negroes as is above-mentioned; that they do give notice to the Master or other person having then the Command of such Ship or Ships, forthwith to depart out of the limits of Your Government, without giving them any Relief, Support, Aid, or Assistance, altho' it should be pretended that such Ship or Ships were, or the same really should be in Distress, Want, Disability, Danger of Sinking, or for or upon any other Reason or Pretence whatsoever; And that you Our Governor or Commander in Chief do by no means suffer any Goods, Merchandize, or Negroes from on board such Ship or Ships, to be landed or brought on Shore upon any Account or Excuse whatsoever; And it is Our further WILL and PLEASURE, that if any such Ship or Ships being foreign, having on board any such Goods, Merchandize, or Negroes, do not upon notice given to the Master or other person having the command thereof, as soon as conveniently may be, depart out of the limits of your Government, and from the Coasts thereof, without Landing, Selling or Bartering any of the said Goods or Negroes, You Our Governor or the Commander in Chief for the time being, shall cause the said Ship or Ships and Goods and Negroes to be seized and proceeded against according to Law; But if such Ship or Ships having such Goods or Negroes on board, and entering into any Port or Place, or coming upon any

of the Coasts or Shores of Our said Colony under Your Government, do belong to Our Subjects, and do break Bulk or Sell, Barter, Exchange, or otherwise dispose of the said Goods or Negroes, or any part thereof, contrary to Law; You are to take Care that such Ship or Ships, with the Guns, Tackle, Apparel and Furniture thereof, and all Goods and Merchandize laden thereupon, and the Proceed and Effects of the same be immediately seized, and that the Laws in such Case made and provided be put in Execution with the greatest Care, Diligence and Application; But if any Ship belonging to the Subjects of any foreign State or Potentate, having on board any Negroes or East India Commodities, shall be actually bound to some Place or Port in the West Indies, belonging to any foreign Prince or State, from some European Port, and such Ship shall happen to be driven in by necessity and be in real Distress, the same may be supplied with what is absolutely necessary for her relief: But you shall not take, have or receive, nor permit or suffer any Person to take, have, or receive any Negroes, or other the said East India Commodities in payment or Satisfaction for such Relief; That if any Officer of Our Customs, or other Officer employed by you Our Governor or Commander in Chief, in visiting, searching, or seizing such Ship or Ships, Goods, Merchandize or Negroes, be corrupt, negligent, or remiss in the discharge of his Duty therein, We do hereby require you to suspend him from the Execution of his said Office, and that you do by the first opportunity, send an Account of such Officer's Behaviour to Us, by one of Our principal Secretaries of State, that care may be taken, that such Officer be removed from his Employment, and further punished according to his Demerit; And Our further WILL and PLEASURE is, that you, Governor or Commander in Chief do constantly from time to time, and by the first opportunity that shall offer, send to Us by one of Our principal Secretaries of State, true, full, and exact accounts of Your Proceedings,

and of all other Transactions and Occurrences in, or about the Premises or any of them.

26. AND whereas notwithstanding the many good Laws made from time to time, for preventing of Frauds in the Plantation Trade, it is manifest that very great Abuses have been and continue still to be practised to the Prejudice of the same, which Abuses must needs arise either from the Insolvency of Persons, who are accepted for Security, or from the Remissness or Connivance of such as have been, or are Governors in the several Plantations, who ought to take Care, that those Persons, who give Bond should be duly prosecuted in case of nonperformance, You are to take notice, that we take the good of Our Plantations and the Improvement of the Trade thereof, by a strict and punctual observance of the several Laws in force concerning the same, to be of so great Importance to the benefit of this Kingdom and to the advancing the Duty of Our Customs here, that if we shall hereafter be informed, that at any time there shall be any Failure in the due observance of those Laws and of these present Instructions, by any wilful fault or neglect on your part, We shall esteem such Neglect to be a breach of the aforesaid Laws; And it is Our fixed and determined WILL and PLEASURE, that you or the Commander in Chief respectively, be for such offence, not only immediately removed from Our Employments, and be liable to the Fine of One thousand Pounds, as likewise suffer such other Fines, Forfeitures, Pains and Penalties as are inflicted by the several Laws now in force relating thereunto, but shall also receive the most rigorous Marks of Our Highest Displeasure, and be prosecuted with the utmost Severity of Law for your Offence against Us, in a matter of this Consequence that We now so particularly charge you with.

G. R.

ADDITIONAL INSTRUCTIONS TO LORD DUNMORE.

GEORGE R.



ADDITIONAL INSTRUCTION to Our Right Trusty and Right Welbeloved Cousin, John Earl of Dunmore, Our Lieutenant and Governor General of Our Colony and Dominion of Virginia in America. GIVEN at Our Court at St James's the Fourth Day of February, 1772. In the Twelfth Year of Our Reign.

WHEREAS Laws have been passed in some of Our Colonies and Plantations in America, by which the Lands, Tenements, Goods, Chattels, Rights, and Credits of Persons, who have never resided within the Colonies where such Laws have been passed, have been made liable to be attached for the Recovery of Debts, in a manner different from that allowed by the Laws of England in like cases; and whereas it hath been represented unto Us, that such Laws may have the consequence to prejudice and obstruct the Commerce between this Kingdom and Our said Colonies, and to affect public Credit: It is therefore Our WILL and PLEASURE that you do not on any pretence whatever, give your Assent to, or pass any Bill or Bills in Our Colony under your Government, by which the Lands, Tenements, Goods, Chattels, Rights and Credits of Persons, who have never resided within Our said Colony, shall be made liable to be attached for the Recovery of Debts, due from such Persons, otherways than is allowed by Law, in Cases of the like nature within this Our Kingdom of Great Britain, untill you shall have first transmitted unto Us, by one of Our principal Secretaries of State, the draught of such Bill or Bills, and shall have received Our Royal

Pleasure thereupon; unless you take care in the passing of such Bill or Bills, that a Clause or Clauses be inserted therein, suspending and deferring the Execution thereof untill Our Royal WILL and PLEASURE shall be known thereupon.

G. R.

Indorsed, "Virginia. Additional Instructions. Rec^d May 2^d 1772."

Representation of the Comm^{rs} for Trade & Plantations, to His Majesty, dated July 29th 1768, as far as it relates to a Law passed in the Colony of Virginia in 1767, intituled, An Act to compell Ships importing Convicts or indented Servants, infected with the Goal fever or Small Pox, to perform Quarantine.

By this Act the Master of every Vessel importing Convicts or indented Servants is prohibited from allowing any such to quit the Vessel before Entry at the Naval Office, and Oath by him made that none of the said persons have been infected with the Goal fever or small pox at any time within fifty days last past, upon refusal of which Oath, or if it shall appear to such Naval Officer that the said vessel ought to make Quarantine, certain rules and directions in that case given are to be carried into execution; upon a due consideration of this Law (in the course of which we have been attended both by the Agent on the part of the Province, and the Contractor for the Transportation of Convicts, and heard what each had respectively had to offer) we are humbly of opinion that this Law, however unexceptionable in point of principle, does nevertheless contain certain regulations and restrictions of an improper

nature. In particular, the vague and arbitrary powers given to the Naval Officer, the hardships of imposing an Oath to be taken on circumstances, which, in their nature, must be so uncertain and indeterminate, and the severity of the fines, pains, and penalties inflicted on the nonobservance of the provisions contained in this Act, are, in our opinion, liable to great objection, when in addition hereto, we submit to your Majesty the further consideration how far this Law, by subjecting Masters of British vessels to the above disabilities and restraints may be said to counteract the Spirit of the Act of Parliament for the Transportation of Convicts, we humbly conceive that your Majesty, upon these reasons and suggestions, will think it expedient to signify your Royal Disallowance of this Act.

Indorsed, "Representation to the King, on Three Acts passed in April, 1772."

GOVERNOR EDEN TO LORD DARTMOUTH.

ANNAPOLIS, 29 January 1773

MY LORD,

I am to acknowledge the honour of your Lordships letter of the 4th of November 1772 — No. 1.

The intimation with which your lordship has favoured me of his Majestys most gracious approbation of my conduct gives me the utmost satisfaction and I sincerely wish that the measures pursued by the lower House of Assembly had been less intemperate and offensive. In popular Assemblies particular men generally govern the rest and their proceedings take their colour from the temper and views of a few leaders. The moderate and diffident are

carried with the stream, and their silence and acquiescence, by swelling the apparent majority, indicate an approbation of violences they really condemn. This was too much our case in the October Sessions, as well as in the Sessions next before it.

I shall, particularly as your lordship has expressed your opinion of the utility of it, take the earliest opportunity to transmit from time to time, whilst I shall continue in my present station, the acts and proceedings of the legislature of Maryland. In the year 1773, as is observed in my Message to the lower House, p. 85, Lord Baltimore by proclamation settled the fees of Officers. On that occasion the lower House entered a resolve in their proceedings, similar to that your lordship has taken notice of, p. 20. It seems probable that in the year 1733, the lower House had no view beyond the subject before them, viz, the regulation of Officers fees by proclamation, but, whether the lower House in their repetition of this Resolve in October Session 1771, had or not any further views, I cannot certainly inform your lordship. But, the design of their message was I apprehend to represent this regulation of fees and the restriction laid upon the Officers by my proclamation, as an effective tax, and of the general reasoning of it to prove not only that a tax cannot be constitutionally raised without the assent of the peoples representatives but also the peculiar privilege claimed by the lower House in the article of taxation. This claim of privilege is further explained by the messages between the two Houses, p. 53, 56, and was one of the reasons that induced me to recite in my message, p. 86, the opinion of Lord Camden when he was the Kings Attorney General. That both Houses of Assembly in Maryland would with their utmost exertion endeavour to maintain their position, that the people of Maryland are not constitutionally liable to any tax laid without their assent, I have no doubt, and believe the same principle and idea to be generally prevalent in the other Colonies.

The Resolves of the different American Assemblies on the affair of the Stamp Act and the proceedings of the Congress (as it was called) at New York seem to be clear proofs of their disposition and strong attachment to this principle: But yet, my lord, the notion that the regulation of fees and the laying of a tax are the same thing has not been carried so far as to beget an opinion that the fees established for the support of the officers of the Customs appointed by the Crown are not due: For these fees are paid in Maryland without hesitation, and though the regulation of fees by my proclamation has been violently exclaimed against, your lordship perceives nothing has been said with respect to the fees claimed and received by his Majestys officers of the Customs.

I should be extremely sorry if the explanation I am to give your lordship of the motive for passing the Act Ch. 1. should not prove satisfactory; For, I can venture to assure your lordship that this Act was not intended to contravene the Statute in any degree, and that the people in whose favour it was passed have the merit of being most useful subjects. In consequence of the encouragement given by Statute a great number of German Emigrants have settled in North America, particularly in Pennsylvania and the frontier County of Maryland. They are generally an industrious laborious people. Many of them have acquired a considerable share of property. Their improvement of a Wilderness into well stocked plantations, the example and beneficent Effects of their extraordinary industry have raised in no small degree a spirit of emulation among the other inhabitants. That they are a most useful people and merit the public regard is acknowledged by all who are acquainted with them.

It happened that one Mr. Hagar, a German who had been naturalized according to the Statute was elected one of the Burgesses to serve in Assembly for the frontier County. When the Assembly met, it became a question

whether he was eligible or not, and it was determined in the Negative by a Majority of one only, as your lordship will observe on having recourse to the transmitted copy of the votes and proceedings, p. 9. 10.

It was understood that the limitation or proviso in the 13th of George 2^d Ch. 7 had been omitted by the general purview of the act Mr. Hagar would have been Eligible, and that the limitation or proviso, "that no person who should become a natural born subject of this Kingdom by virtue of this Act shall be of the privy council or a member of either house of Parliament or capable of taking having or enjoying any office or place of trust within the Kingdom of Great Britain or Ireland, Civil or Military, or of having accepting or taking any grant from the Crown of any lands tenements or hereditaments within the Kingdoms of Great Britain or Ireland." I say, my lord, that this limitation or proviso did not Extend to disqualify Mr. Hagar to be a member of the Maryland Assembly: But, an Act of Assembly having provided that no person disabled by the laws of England from sitting in Parliament should be elected to serve in Assembly, the question arose on the proviso in the Statute and the reference of the Act of Assembly to the laws of England conjunctly; and though a majority of the lower House of Assembly thought Mr. Hagar on this question to be ineligible, yet the Act Ch. 1. unanimously passed for the very purpose, that a person in his situation might in future be chosen a Member of Assembly; and your lordship will perceive on turning to p. 53, 54 that Mr. Hagar was re-elected. Such my lord was my motive for passing the Act Ch. 1, And permit me to assure your lordship, if I had Entertained any Suspicion that this Act impugned in any degree the Statute, I would have dissented to it on that very ground.

In Pennsylvania foreigners naturalized may be chosen members of the Assembly, and there is reason to apprehend that if they should not have (since the point has been

stirred) the same privilege in Maryland, it would be a great disadvantage to this Colony, Especially as (notwithstanding they maintain their Ministers by contribution) they are Equally taxed with others to support the Established clergy; a charge to which they are not liable in Pennsylvania, where there is no such Establishment.

The Effect of this Act is merely local; the design of it was in no degree to set aside the limitation contained in the Statute and the provisions of it are all most necessary on account of the privileges Enjoyed by foreigners naturalized in Pennsylvania. On these Considerations I hope for your lordship's most favorable construction.

I acknowledge myself greatly obliged to your lordship for your polite attention to my request should my business call me home; and only beg leave to add, that I hope any consideration such a proposition may induce will not remove me from my Government, so long as my conduct therein merits the approbation of his Majesty and his Ministers for this department, which shall always be the Endeavour as it has ever been the sincere wish of

&c.

ROBT^r EDEN.

[Prop. Z 51. Recd. 20 Dec. 1773.]

COPY OF THE KING'S ORDER, RESTRICTING THE GOVERNORS IN AMERICA FROM GRANTING ANY MORE LANDS.

At a Council held at Fort George in the City of New York, on Wednesday the Ninth day of June 1773.

PRESENT

His Excellency WILLIAM TRYON Esq^r Captain General &c^r

MR WATTS	}	MR CRUGER
MR DE LANCEY		MR WALLACE
MR MORRIS		MR WHITE
MR SMITH		<u> </u>

His Excellency laid before the Board his Majesty's Order given at the Court at S^t James's the 7th day of April last, prohibiting until further Order the issuing of any Warrant of Survey, or the passing of any Patents for Lands, except to Commission and non Commission Officers and Soldiers, and the same being read was ordered to be entered in the Minutes, and is as follows.

At the Court at S^t James's the 7th Day of April 1773.

PRESENT

The King's most excellent Majesty

LORD PRESIDENT	}	EARL OF ROCHFORD
EARL OF SUFFOLK		EARL OF DARTMOUTH
EARL OF SANDWICH		LORD MANSFIELD.

Whereas it has been represented to his Majesty, that the State and Condition of his Majesty's Colonies and Plantations in America, do both in Justice and Expediency require that the Authority for granting Lands, contained in the Commissions and Instructions given to his Majesty's Governors in the Plantations, should be further regulated and restrained, and that the Grantees of such Lands should be subjected to other Conditions than those at present prescribed in the said Instructions. His Majesty having taken the same into His Royal Consideration, is pleased, with the Advice of his Privy Council, to order, and it is hereby Ordered that the Lords Commissioners for Trade and Plantations, do take into their immediate Consideration, the Powers and Authorities for granting Lands contained in the Commissions and Instructions to his Majesty's Governors in the Plantations, and that the said Lords Commissioners do Represent to his Majesty at this Board such Alterations as they shall think fit and necessary to be made therein. And his Majesty is hereby further pleased to Order, that in the mean time, and until His Majesty's further Pleasure be signified, all, and every his Majesty's Governors, Lieutenant Governors or other Persons in Command in his

Majesty's Colonies in North America who are Entrusted with the Disposal of his Majesty's Lands, in the said Colonies, do forbear upon pain of his Majesty's highest Displeasure, and of being immediately removed from their Offices, to issue any Warrant of Survey, or to pass any Patent for Lands in the said Colonies, or to Grant any Licence for the purchase by private Persons of any Lands from the Indians without especial Direction from his Majesty for that purpose, under His Majesty's Signet or Sign Manual, or by Order of His Majesty in His privy Council, excepting only in the case of such Commission and non Commissioned Officers and Soldiers, who are intituled to Grants of Land in Virtue of his Majesty's Royal Proclamation of the 7th October 1763 to whom such Grants are to be made and passed, in the Proportions and under the Conditions prescribed in his Majesty's said Proclamation.

STEPH: COTTRELL.

GOVERNOR MARTIN TO LORD DARTMOUTH.

N CAROLINA Dec^r 16 1773.

MY LORD,

I have the honour to transmit your Lordship herewith a Copy of my Speech to the Council and Assembly of this Province at the opening of their Session on the 4th inst. and of their addresses and my answers.

The address of the Assembly contains Expressions so unfit and breaths a spirit so unbecoming a people living under the mild and just government of his Majesty that it gives me pain to lay it before your Lordship: I transmit with no less concern, a copy of certain Resolves entered upon the Journals of that House, which display like discontent and disrespect to Government. These will no

doubt appear to your Lordship very inauspicious presages ; and the proceedings of that branch of the Legislature since afford me no hopes that any advantage will result to the public from its present measures, This body my lord unfortunately consists for the most part of men in the lowest state of ignorance that are gulled into any absurdities by a few artful and designing men influenced by selfish and interested motives, who lead them implicitly into their views, by representing every Salutary proposition of government as injurious and oppressive : And thus make them instruments to their own little purposes and their Countrys ruin. The poor misguided herd renounce out of the House the sentiments they have the moment before blindly concurred in and Execrate their own conduct as soon as they are made to discern its obvious consequences.

The few mischievous but too successful dema(go)gues who have hitherto governed the Assembly at the present Session seem by their conduct in the House as well as out of doors from its beginning to have challenged a dissolution. But, as I have a sincere feeling for the Country and a just contempt for their provocations and sinister designs I shall I trust be superior to resentment while it is consistent with the dignity of government to overlook their rash and hasty proceedings. They are acting my Lord if I may believe report contrary to the sense and wishes of the people at large, and I hope, if they leave me opportunity to prorogue the Assembly, that after its consulting its constituents I shall soon meet the House in more corresponding temper and disposition. And in all events I will pursue with my best discernment my duty to his Majesty and promote to the utmost of my power the good of this Country.

I have &c

JO. MARTIN.

[F 38 Read 25 Oct. 1774. No papers.]

[The Resolves alluded to were against the appointment of Courts of oyer & terminer by the Governors Commission alone, as illegal.]

MINUTES OF G. CHALMERS.

Pensylvania. Sec^r off. Prop. 1773-4.

26 Jan. 1774. Various printed papers (Pensylva^a Newspapers and hand-bills, shewing the conduct of the people of Boston New York and Pensylvania) were sent under an anonymous cover to Lord D.— The opposition to the landing of the Tea at Boston began the middle of December 1773 — & before the End of December Ships with Tea had been sent back from N York and Philadelphia. Capt. Ayres of the Polly was obliged to carry back the Tea without entry.

N. B. *These printed papers, which contained much important information, were read by the King.*

27 Jan. 1774. Mr. Penn (Spring garden) presents his respects to Lord D.—* He was not returned from taking the air when he was honoured with his Lordships note. He is extremely astonished the Deputy Gouvenor of Pensylvania has sent no information to his Lordship on the subject of the Teas: and is himself under great concern as he has received no letters from him, but supposes the next ship must bring some.

5 Feb. 1774. Lord D. wrote to Dep. Gov^r Penn. The insult that has been offered to this Kingdom by the inhabitants of Philadelphia in the case of the Polly Capt. Ayres, is of a very serious nature and leads to very important consequences.

It is matter of Equal surprise and concern to the King that such a transaction should have happened in any of his Colonies without the least appearance of any Endeavour on the part of the Government either to check or oppose the

* Dartmouth, Secretary for the American Department. — T. A.

violences that have been committed. And it is matter of still greater surprise, that the Ship which has been thus *rebelliously* denied an entrance into the Port of Philadelphia should have returned to G. Britain without a single letter of advice or information from the Proprietors deputy in the administration of that government.

I have, Sir, too good an opinion of you to suppose that you have been inattentive to what was your duty upon the occasion; and therefore I must conclude that your despatches have by some accident miscarried.

It will be necessary however in all Events, that a circumstance which appears at present so very extraordinary should be fully explained

Gov^r Penn apologized for his before reprehended neglect. I was totally ignorant, says Penn, of the measures which were taken to prohibit the Entrance of the vessel, till after her departure; and indeed had I been fully apprized of the unjustifiable designs of the people, such was the general opposition of the people upon that occasion as well here as in other parts of N. America, that any Endeavours on my part to have prevented what happened would have proved ineffectual and vain. 3 May, 1774.

The Importation of Tea into America, by the East India Company was generally considered here from all accounts from home, as a private adventure of their own, in which the government had no immediate concern, and being unattended with any instructions from the Ministry, I did not think my duty required me to transmit your lordship an account of the Transaction.

The King was pleased graciously to acquiesce in this apology.

Gov^r Penn wrote Lord D. That as soon as the people of Boston knew of the late Act of Parliament for shutting up that port an Express was dispatched from hence, with a proposal to concur with them in putting a total stop to the importing or exporting of any kind of goods untill the above Act should be repealed. 31 May, 1774.
4 July rec'd.

In consequence of this a considerable number of Merchants and others had a meeting at a tavern in this City, where I understand the matter was taken into consideration. The only resolution they agreed on was a petition to me to call the assembly, which will be presented in a few days. Should so affrontive an application be made to me your lordship may be assured I shall treat it as it deserves. I have however been informed that the mover of this extraordinary measure had not the most distant expectation of succeeding in it; but that their real scheme was to gain time to see what part the other Colonies will take in so critical a conjuncture.

6 July, 1774.

Lord D. wrote for answer: The reception given to the proposal that came from the Town of Boston, there did not appear then to be any strong inclination to adopt; What has since passed in Virginia may perhaps *as in other like instances*, become an Example to the neighbouring Colonies. And should this be the case, it will be your duty to exert every power which the Constitution has placed in your hands to defeat any attempt to trample upon and insult the authority of this Kingdom.

5 July, 1774.
7 Sept. rec'd.

Gov^r Penn wrote Lord D. That a petition had been presented to him by 851 persons which he had refused, because it did not appear to him that the peace of the province required it. The general temper of the people here & in all the Colonies is very warm. They look upon the Chastisement of Boston to be purposely rigorous and is therefore suffering in the common cause. The delinquency in destroying the Tea is lost in the attention which is given to what is here called the too severe punishment of shutting up the port, altering the Constitution, and making an Act as they term it screening the Soldiers for shedding American blood. The plan universally adopted is the procuring a general Congress, in order to state the rights and represent the grievances of America to the throne. — Collections are making for Boston.

Since he had refused to call the Assembly on the petition of the people an unhappy incident (an Indian War, on the Western frontier,) had obliged him to call an Assembly tho' with reluctance, *as it may give offence at home*: Yet he is of opinion that the Assembly will be more moderate than the people are in their Town Meetings, which cannot be prevented. The Assembly are to *choose the Delegates for Congress*.

The 16th of June 1774 was observed throughout the Synode of N. York and Philadelphia as a day of humiliation and prayer on account of the late invasion of the liberties of America [Pensyl. Gaz. 22 June 1774]

18th July the Assembly met. 19th July the Speaker laid before the House several letters & copies of Resolves from the Speakers of Massachusetts & Rd. Island: the 1st dated 17 June notifying the appointment of Deputies to Congress: the 2^d dated the 20 June notifying also the appointment of Delegates. There was also laid before the House a letter from the Committee of Correspondence & inquiry of Virg^a (Randolph, Nicholas & Digges): stating the propriety of appointing Deputies from the several Colonies of British America *to meet annually* in general Congress — as a Measure extremely important and extensively useful, as it tends so effectually to obtain the united wisdom of the whole in every case of general concern.

22^d July Resolved N. C. D. That there is a necessity for a Congress of Deputies from the several Colonies to form a plan for obtaining redress — ascertaining American rights on constitutional principles & for establishing harmony between G. Britain & the Colonies.

A committee appointed to bring in instructions to the Deputies in Congress (Allen one). The instructions very short — particularly — you are to avoid doing any thing indecent or disrespectful to the Mother State.

[A kind of Convention from Philadelphia & several Counties with Tho. Willing for their Chairman was then sitting at Carpenters Hall.]

They presented on the 19 July their opinion of the necessity of a Congress — and they informed the house that the Committee are employed in finishing their resolves & drawing up their sentiments on the present situation of public affairs, which when compleated will be laid before the House.

[*Printed proceedings of the House.*]

The Assembly voted £2000 to Employ Rangers against the Indians.

The provincial meeting of Delegates chosen by the several Counties in Pennsylvania assembled the 15 July 1774 — Appointed a Committee to send their Resolves to all the Committees of Correspondence.

5 Sept. 1774.
11 Oct. rec'd.

Gov^r Penn wrote Lord D. of the meeting of the Congress that morning. Impossible to say what will be the result of their deliberations. From the best intelligence the Resolution of opposing the Boston port Acts and the Parliamentary power of taxing America possesses all ranks of people & is universal. They persuade themselves there is a formed design to enslave America and tho the Act for regulating the Government of Canada does not immediately affect other provinces it is held up as an irrefragable argument of that intention. There is difference of opinion as to the modes of opposition.

3d Oct. 1774.
10 Nov. rec'd.

Gov^r Penn wrote Lord D. That the Congress having agreed to keep all their proceedings secret he had it not in his power to give any account of them but what had been published — had published such as may be seen in the N. papers.

MEM^r.
Sir J. Dalrymple told me, that he had sent to Lord North a project of Conciliation; & the same coming from two other

[So that on the 10th of Nov^r 1774 the Ministry knew that the Congress had adopted the Suffolk Resolves (Massachusetts) which lighted the match.]

[These Resolves are dated the 6th of Sept^r & approved by Congress on the 17 Sept^r 1774.]

There were various extracts of letters said to be from London, asserting the designs of Ministry to be to tax America & recommending to stop all trade with Britain, published in Philadelphia N. papers during the Sitting of Congress, [Pensyl. Gaz. 21 Sept^r 1774.]

quarters at the same time induced Ld. N. to think of nothing but conciliation Lord M. opposed it. This explains the ministers conduct.

In that of 28 Sept^r 1774 there is the following extract of a letter said to be from London dated 23^d July —

D^r Franklin was so obliging as to call on me this afternoon. From what he communicated I find, that the intention of taxing ALL America is openly avowed by the Ministry:— They have already begun by high duties on Spirits in Canada and have ordered a Regiment to be raised there; determining as the D^r well expressed it, not only to rivet their chains but make them pay for the iron to do it with.

Gov^r Penn wrote Lord D. That the Congress had dissolved themselves the 26th ins^t & have just published the principal part of their proceedings — but the petition to the King they have not published: I am entirely unacquainted with the contents of it; as I had not the least connexion or intercourse with any of the members.

31 Oct. 1774.
13 Dec. rec'd.

Gov^r Penn wrote Lord D. What tendency the Measures of Congress may have to compose the unhappy differences is a question which occasions a variety of opinions. I can only wish these transactions may not be viewed in such a light as to retard that union which all good men anxiously desire may be speedily established.

4 Nov. 1774.
17 Dec. rec'd.

[This is the last Despatch of 1774.]

[*Secret & Confidential.*]

EXTRACT OF A LETTER FROM ONE OF THE GALLOWAY DELEGATES FOR THE CONGRESS AT PHILADELPHIA, DATED SUNDAY THE 3 SEPT. 1774.

[*Transmitted to Lord Dartmouth by Governor Franklin 6 September 1774 — Received 11th October.*]

1774—SEA. OFF—N. J. (N. Jersey.)

I have just returned from Philadelphia, where I have been to wait on and endeavour to find out the Temper of the Delegates. Near two thirds of them are arrived and I conclude all will be ready to proceed on business on Monday. I have not had any great opportunity of sounding them — But, so far as I have, I think they will behave with temper and moderation. The Boston Commissioners are warm and I believe wish for a non importation agreement, and hope the Colonies will advise and justify them in a refusal to pay for the Tea until their aggrivances are redressed: They are in their behaviour and conversation very modest; and yet they are not so much so as not to throw out hints, which like straws and feathers tell us from which point of the Compass the wind comes. I dined with them on Thursday.

I have had two opportunities, one with the Elder Rutledge of Carolina, whose sentiments and mine differ in no one particular, so far as I explained myself; and I was reserved in no point save that of a Representation in Parliament. He is a gentleman of an amiable character; has looked into the argument on both sides, more fully than any I have met with, and seems to be aware of all the consequences which may attend rash and imprudent measures. His younger brother is rather warm. My other opportunity was with the two New Hampshire gentlemen. I

found Colonel Folsom very cool and moderate: Major Sullivan rather more warm, but very candid and has thought solidly on the subject. I think neither of them intends to attach himself more to the particular cause of Boston than will be for the general good. They requested opportunities of exchanging sentiments with me often on the occasion: and all my observations seemed to have full weight with them. The Marylanders are not arrived and but three of the Virginians. Peyton [Randolph] Bland and Lee are arrived.

I have intimated to several of the Delegates the necessity of sending Commissioners over fully authorized to the British Court, as a mode pursued by the Roman, Grecian, and Macedonian Colonies, on every occasion of the like natures. That through them we may be enabled, in case our first plan for accommodating our unhappy differences should not be acceptable, to know the better what to propose next: That having these Gentlemen at the Scene of action we shall be no longer misled by newspaper accounts and private letters, but shall proceed on solid information and principles of safety: That without this any Petitions or plans, not having any persons to explain and support them, will have very little effect: That in all probability the measures of the present Congress will be deemed illegal and unconstitutional, and that upon this point only the necessity of sending persons home to insist in the right in the Colonies of being heard and to prove that the illegality of the Congress arises of power in not suffering the Assemblies to meet; and if after all, those reasons should not procure due attention to the propositions of the Congress, to pray that the Governors may have orders to permit such meetings and to give assurances that their conduct will be decent, respectful, and dutiful to the Mother State: That a conduct of this kind cannot fail to give Strength to our cause and if not immediately, in the end bring the government to attend to reason and redress our agrievances.

These intimations seemed to have their weight; and as far as I could observe met with approbation. You may depend on my communicating to you from time to time the transactions of the Congress.—

EXTRACT OF A LETTER FROM THE SAME GENTLEMAN,
DATED PHILADELPHIA, MONDAY, SEPT. 5, 1774.

The Congress met this day at Carpenters Hall notwithstanding the offer of the Assembly room, a much more proper place. They next proceeded to choose a Secretary, and to my surprise, Charles Thomson [one of the most violent *sons of liberty*, so called, in America] was unanimously elected. The New Yorkers and myself and a few others, finding a great majority, did not think it prudent to oppose it. Both of these measures it seems were privately settled by an interest made out of doors.—

I cannot say but from this days appearance of proceedings I have altered very much my last sentiments. The Virginians and Carolinians (Rutledge excepted) seem much among the Bostonians, and have at their instance adopted the two above measures. The gentlemen from New York have as little expectations of much satisfaction from the Event of things as myself.

Tomorrow we are to determine whether We are to vote by Colonies, Each having a single Vote, or otherwise.—

6 Sept. 1774, Gov^r Franklin wrote to Lord D.

The Delegates from the several Provinces met yesterday for the first time in Philadelphia. I have sent your Lordship Extracts of two letters from a gentleman who is one

of the Delegates which not only contains an account of their first days transactions, but will serve to give an idea of their disposition, of some of the principal members of that body and what may be Expected from them. The gentleman who wrote those letters is a very prudent and moderate man, Extremely averse to the violent and rash measures proposed by the Virginians and Bostonians and was in hopes to have formed a party among the Delegates sufficient to have prevented a non importation agreement for the present, but he seems now to despair of Success, as a majority of the Southern and Northern delegates are so much for that measure that those from New York, New Jersey and Pensylvania, who are of different sentiments, [The 7 Resolve of the New Jersey Convention of the 21 July 1774 declared : That we do earnestly recommend a general non importation and a non consumption agreement — as the Congress shall think advisable] begin to think it will answer no good End to make any opposition. It was likewise his purpose to propose a plan for a political union between the two Countries ; and in order to prepare the minds of the people for it and to put them as he says in a proper train of thinking on the subject, he has wrote the enclosed pamphlet entitled *Arguments* on both sides in the dispute between G Britain and her Colonies. But, whether, now he finds a great majority of the delegates so very different from his own, he will venture to publish his pamphlet tho' the whole is printed off, is uncertain : The principal part of his plan is as I am told is the making application for leave to *send representatives from Each Colony in America to the Parliament in G. B. :* A measure notwithstanding the many difficulties and objections made thereto on both sides the Water he thinks will be the only Effectual remedy for the present Evils and prove a lasting and beneficial cement to all the parts of the British Empire.

Recommends Secrecy — as otherwise it will put a stop to the obtaining any further intelligence from the same quarter. —

2 Nov^r 1774. Lord D. promised to keep such informations very secret.

[The pamphlet very futile.]

WATTS TO MONCKTON.

NEW YORK 30th May 1774.

DEAR SIR,

Among some other Warrants for expenses of government, as Mr Tryon was leaving us, was introduced one for the postage I paid for you some years ago, which the Council thought just, as all your successors have been repaid this charge. The sum is £67. 1. 5 this currency, for which you have my bill inclosed on Sam. Baker for £26. 3. stg exchange being 80 per ct.

Shutting up the Port of Boston is matter of great speculation on this side the water, though carried so rapidly on yours. The lower class of people were taking it up exceeding high here, and would have carried things to extremities, but by the interference of most people of weight, a soberer counsel takes place, though the treatment of their brethren is very ill relished — “proximus ardet.” How the matter will operate it is impossible yet to judge. It appears to me that destroying the charter will sink deeper into their spirits, than shutting up the Port of Boston, as it will have a more general effect, and may be taken up in an enthusiastic light, which is the worst of all prejudices.

As I partake of every good that befalls you, it gives me great pleasure to hear that Government has not been quite

unmindful of you at last, and that some family events (since it is the wisdom of Providence so to order it) have turned to your advantage. May you enjoy health and spirits to possess these with satisfaction and many more.

Your friends here always remember you with regard, some have dropt, but not many. Old McGra is gone in spite of all his aversion to a change, and had lived quite long enough both for constitution and pocket.

Col^d Robertson, Small, Mallet, gone to wait on Gen. Gage, who has been feasted immoderately. The Commissioners are removed to Plymouth, with the Custom House by this time, and the General to Salem. Shirreff writes Gen^l Haldimand is much esteemed here, and acts with great prudence and circumspection. Old M^r Allen, hearty and well, does not like the times at all, has resigned his office to M^r Chew. 'Tis an amazing Colony that, for increase and wealth. Of the discontented Irish, Scots, and emigrating Germans, they speak of having imported eighteen thousand in one year. Many Scots and Irish are come here and will find land sufficient already granted, but the new mode prescribed of granting will shut up the office, for some time at least and that is probably the effect intended, and to corroborate it, an instruction is sent out to forbid naturalization, an impolitic one I think. The Charter Governments will disregard it, and by that means increase in strength in proportion as the Royal Governments lose it, who dare not offend.

I beg you will be so good as to remember me to such of my friends as fall in your way, of which number poor Larry it seems is no longer to be one, and believe me with great truth and esteem

Dr Sir,

Y^r most Obl^d Humb. Sert

JNO. WATTS.

I am verging to the state of a Patriarch, three daughters I have married, the eldest has born four children, the sec-

ond three, and the third coming one. If I live till my sons get at it, there will be fine work. I hear frequently from our friend Napier. Col! Barré still the wrong side of the House; M^r Boone the right. Those loaves and fishes are a convenient diet.

LORD DARTMOUTH TO GOVERNOR GAGE.

(Separate & Secret.)

3 June 1774.

SIR,

You will observe that I have, in my separate letter to you of this day's date, mentioned in general terms the correspondence kept up by persons here with the leaders of the faction at Boston.

Some proofs of this dangerous and unwarrantable correspondence have come to my knowledge by a confidential communication of the copies of two letters, the one from D^r Franklin, dated 7 July 1773, the other from M^r Arthur Lee dated 25 Dec^r 1773.

Both these letters have I understand been publicly read in the Assembly and are expressed in such terms as makes it very much to be wished that such evidence could be obtained of the authenticity of them as might be the ground of a proper proceeding thereupon. You will therefore use your best endeavours with that secrecy and caution the nature of the case requires to procure either the originals or some regular attested copies of those letters and transmit them to me by the first opportunity.

D.

SAME TO THE SAME.

(*Separate.*)

3^d June 1774.

. . . We have received letters from M^r Hutchinson so late as the 2^d day of May, at which time they had received at Boston an account of the proceedings down to the 15th of March, which I find had occasioned great alarm & apprehension, but had been attended with no other consequences ; so that I am willing to suppose that the people will quietly submit to the correction their ill conduct has brought upon them and to lay a foundation by their future behaviour for a re-establishment of their commercial privileges.

As some doubt may possibly arise whether his Majesty's governor can act in any case in the capacity of an ordinary civil Magistrate, I think 'it fit to acquaint you that the King's chief Law-servants are clearly of opinion that the Governor by his Commission is Conservator of the peace in all cases whatsoever.

GENERAL GAGE TO LORD DARTMOUTH.

(*Separate & Secret.*)

SALEM 25 August 1774.

MY LORD,

Your Lordships letter, *Separate & Secret* of the 3^d of June has been received, and I will endeavour to obtain either the originals or attested copies of those letters which your Lordship mentions to have been written to the leaders of the faction at Boston and which you understand have been publicly read in the Assembly. At the same

time I am to acquaint your Lordship, that I found upon making inquiries of the same nature soon after my arrival, it was very difficult to procure either the originals or copies from the precautions used. They are generally directed to the Speaker, who calls them private letters, and after reading them to the House, he puts them in his pocket as his own private correspondence.

I will acquaint your Lordship with the extract of a letter from the country, which you will receive by this opportunity is from Coll^o Williams and written to me to excuse his acceptance of the honor the King has conferred upon him, in nominating him a Counsellor. Colonel Worthington who lives in his neighborhood gave the same reasons for not accepting at present, who from the reputation of his abilities, firmness and influence is of more loss than all the rest who have refused. Royal's refusal is from timidity. Russel, who is a good man feared the loss of some post he enjoys. Vassal, Green & Hooper plead age, infirmities, but I believe choose to avoid the present disputes. M^r Irving, who has not yet decided, has connections with all sides, and would keep well with all, and I apprehend wants to see what turn affairs will take, before he gives a positive answer. (He did refuse) M^r Powell lives at a great distance, and I suppose has had no opportunity to send an answer, but it is of little consequence, whether he refuses or accepts.

Upon the whole, I can't apprehend that better men could have been chosen than those who have been sworn in; altho' I found a shyness, in several, towards giving an opinion about the adjournment of Town meetings, and a desire to throw the removal of the Sheriffs, now in office, entirely upon the Governor, by a construction of the act, which appears to me quite foreign to its intent and contrary to the plain words of it.

I have &c

THO^s GAGE.

(Rec'd 1 Octo^r 1774.)

EXTRACT OF A LETTER FROM HAMPSHIRE COUNTY DATED 10TH OF AUGUST, 1774 [FROM COLONEL WILLIAMS WHEREIN COLONEL WORTHINGTON CONCURRED], TRANSMITTED IN GEN. GAGE'S SEPARATE LETTER OF 27TH OF AUGUST, 1774.

I sincerely congratulate your Excellency on your appointment and arrival to the chief seat in Government; and as heartily wish you may be the happy instrument, under God, of restoring peace, good order and subjection to government, now almost at an end. Never was a time, when such numbers of wise and good men, as well as others, were so infatuated, till the present. An enthusiastick frenzy and surprising madness obtain every where. Nothing said in the coolest manner avails, but rather irritates. Indeed, whoever proposes pacific measures is considered, as an enemy to his country and threatened with ruin. The source of all this, your Excellency will easily conceive, and from whence propagated. The fences of law are broken down; and without your Excellency's aid, our lives as well as property will be much endangered. We rely on your Excellency's wisdom and power to support and defend us against the fury of the mobs, which are rising in many places, abusing individuals, and as I am well informed, are determined, in case the royal assent be given to the two last bills, to prevent the holding of the Courts, the ensuing term, in the county of Berkshire; and the same thing is threatened to be done in this county. Even the people of Connecticut have undertaken to reform the laws in their Province and chastise the King's subjects, within your Excellency's Jurisdiction. No attempts, that we hear, are made by the Magistrates of that Colony to prevent and suppress the disorders and insurrections. Every measure proposed and pursued seems to be with a

view to insult Majesty, and widen the breach between this and the parent state, and even to dare the vengeance of the Supreme Authority of the British Empire in America, which, without some immediate, powerful interposition; will, it is to be feared, be *felo de se*. —

The writer of the foregoing (according to a letter of Gen^l Gage of the 20 Sept. 1774) was afterwards obliged by the mobs to make the following concessions.

1^{ly} That the three late Acts of parliament are unconstitutional. — 2^{dly} That it is just the people should use all suitable means to oppose the same. — 3^{dly} That I shall neither directly, nor indirectly countenance the taking place of said Acts. — 4^{thly} That I never have nor will use any means to disunite the people in pursuing all salutary measures to retain our ancient rights and privileges. —

LORD DARTMOUTH TO GAGE.

(*Separate & Secret.*)

17 October 1774

SIR,

In the present moment every circumstance of intelligence respecting what passes in America is of importance and information, which at any other time, would be thought of no consequence, deserves attention.

I am told that M^r Lee, a major upon half pay with the rank of Lieu^t Colonel, has lately appeared at Boston, that he associates only with the enemies of government, that he encourages the discontents of the people by harangues and publications, and even advises to arms. This gentleman's general character cannot be unknown to you, and therefore, it will be very proper, that you should have attention

to his conduct, and take every legal method to prevent his effecting any of those dangerous purposes, he is said to have in view.

I am &c

ARTICLES EXTRACTED—M^r AGENT (MASS^{rs}) DE BERDT'S
ACCOUNTS.

SECY^r OFFICE MASS^{rs} 1774

To publishing 500 Appeals to the World
To publishing 500 Extracts of a letter & Remarks
Printing 500 Junius Americanus
Copying Assembly's Letters to Noblemen & Gentlemen
Presents to Doorkeepers, Messengers of the Council
Chamber, messengers of Lords & Commons, Board of
Trade & Secretary of State's offices, Noblemens Servants
Newspapers, Pamphlets.

General Retaining fee to the Clerks of the House of
Commons to be immediately informed when any affairs of
importance come before the House respecting America.

Transmitted in Gen. Gage's letter of 26 June 1774, because they appeared to
him *extraordinary*.

PAPERS RELATING TO VIRGINIA.

(Notes of G. Chalmers.)

24th May 1774 the House ordered the 1st day of June,
when the Harbour of Boston, which is now hostilely in-
vaded, will be shut up, be kept as a day of fasting and
humiliation to avert the heavy calamity, which threatens

destruction to our civil rights, and the evils of civil war, and to give them one heart and mind, firmly to oppose, by all just and proper measures, every injury to American rights.

29 May 1774 Lord Dunmore wrote Lord Dartmouth (rec'd 4th July 1774) "the Assembly met on the 5th of May. 1774 and a few days thereafter an account arrived of the Act of Parliament for blocking the Port of Boston, which had induced the Burgesses again to declare, what they are fond of having it thought always originates with them, a determined resolution to deny and oppose the authority of Parliament. Accordingly, R. Carter Nicholas, the Treasurer, made motion for the order that passed for a public fast in order to prepare the minds of the people for other resolutions, to inflame the whole country, and instigate the people to acts, that might raise the indignation of the Mother Country."

"In order to prevent the bad effects, I have dissolved the Assembly by the unanimous advice of the Council and shall not call another, till I receive the King's orders." He had heard that this was a hasty measure and disapproved by the wiser members.

27 May 1774. After the dissolution, 89 Burgesses entered into an association — that an attack on any of their Sister colonies to compel submission to arbitrary taxes is an attack on all British America — that the shutting up the Port of Boston is a most dangerous attempt to destroy the constitutional rights of all North America. That they will consume no East India goods till American grievances are redressed. And they appointed a committee of correspondence in order to consider the expedience of a congress to meet annually to deliberate on general measures for the general interests of America.

6 July 1774. Lord Dartmouth wrote Lord Dunmore To grant no back lands. To maintain the Jurisdiction on the Ohio & not to encourage settlements there.

The information contained in your letter of May last of what passed in Virginia in consequence of the measures pursued in Parliament, respecting the Town of Boston has given me the greatest concern.

There was reason to hope, from appearances in the other Colonies, that the extravagant proposition of the people of Boston would have been everywhere disregarded. But it may now be well doubted, whether the extraordinary conduct of the Burgesses of Virginia, both before and after their dissolution as a House, may not become (as it has already become in other instances) an example to the other Colonies.

In this view of what has passed, and under the many aggravating circumstances stated in the papers your Lordship has transmitted, it will become my duty to lose no time in Consulting with the rest of the Kings Servants what advice it shall be proper to give his Majesty thereupon — approved highly of his lordships conduct on that Occasion. The Conduct of Col^o Cresap who had Murdered an Indian to be inquired into. Did not know that Cresap lived in Maryland.

6 June 1774. Lord Dunmore wrote to Lord D^{l^{ls}}

After the dissolution of the assembly and before the Burgesses had left Williamsburgh, there arrived an express from Boston to the Committee of Correspondence here — as had been done to other Colonies — to excite them to shut up the Courts of Justice ag^t English Creditors — to join in an association ag^t Imports & Even Exports — and proposing a Congress of Deputies from all the Colonies forthwith.

Unable to suggest what lengths the people will go. The Burgesses immediately called together the Inhabitants of Williamsburgh who adopted all those violent Measures and Summoned a Convention to Consist of the late dissolved Burgesses to meet 1st Augt. next.

[Printed paper inclosed, consisting of the Annapolis

resolves of the 25 May 1774 — & the vote of the Town of Boston of the 13 May — that if all the Colonies join &c.]

The printer says, that the *Speaker* expressed an earnest desire to have the Transactions of the different Colonies transmitted to the late Burgesses as speedily as possible. This done by a printed hand-bill, which states that many Private letters from principal gentlemen at home — bold & spirited — which Conjure the people to persist in defence of their liberties, as their Conduct will afford a precedent to future ages — they inform us of many secret transactions going forward in England against — & warn of the Consequences — shall publish these in the next paper. But gave the conclusion of one letter of a disinterested Englishman: “after the subjection of Boston & perhaps all the N. England governments, N. Jersey & N. York are to be the next in course, and they talk of taking away Pens charter. Look to yourselves; exert all your faculties to the utmost; your virtues will be put to a severe trial, and if they are not genuine & well founded they will not stand the test. Alas! how is my soul shocked at the present situation of England, my native country, a great, a generous, & a late happy people, but now how changed, how fallen! The men who are really wise and good deprived of all opportunities of acting; the poor and middling people ruined and oppressed; the rich lost in luxury & dissipation; a set of weak & wicked men misguiding the reins of Government; the people taxed to death without mercy; place-men & pensioners without number, &c.”

8 Sept. 1774. Lord D. wrote to Lord D. of his information that the Cause of the Indian war was the encroachments of the Virg^{ns} on their lands: That Connolly had presumed to rebuild Fort Pitt, which had been dismantled by the Kings express order.

States the various treaties with the Indians since 1763 — & the orders given for their Protection, but in vain —

threatens to remove Lord D. for countenancing the settlements on the Ohio — signifies the Kings displeasure.

[Other dispatches in 1774 about the Jurisdiction on Ohio — Walpoles intended grant — the settlements — Indⁿ War &c.]

20 June 1774 Lord Dunmore wrote to Lord Dartmouth that a petition had been presented to him by the Council to prevail on him to issue Writs for a New Assembly, which tho' averse to I did, in order to remove the pretence of not calling the assembly to impute the disorder which is continually increasing.

The writs are issuing. But unless, the incursions of the Indians, the distress arising from the expiration of many of our essential laws & other urgent reasons compel me, I shall defer the Meeting the Assembly till I receive orders. The Councillors excuse any apparent inconsistency of first advising a dissolution & afterwards advising a new assembly so soon afterwards.

Extract of a Letter from Lord Dartmouth to Lord Dunmore, dated 3rd August, 1774.

[VIRG^a SOC. OFF. 1774.]

It still remains to be seen whether the measures adopted by Parliament will or will not have the effect to restore peace and harmony between Great Britain and her Colonies. The proceedings of the Burgesses of Virginia do not encourage me to hope for a speedy issue to the present disunion, and we have seen too much of the prevalence of the example they have set to the other Colonies, not to be justly alarmed at what may be the result of the unconstitutional Meeting they are endeavouring to promote.

The prudence and spirit which your lordship has already shown, will, I am persuaded, be exerted to counteract such dangerous Measures and every power of government made use of to prevent Unlawful assemblies of the people for

factionous purposes ; and I cannot too strongly exhort you to endeavour by every means in your power to encourage those who you say have publicly declared that they are in principle averse to such Proceedings, to exert themselves and by their example and authority to endeavour to convince the people of the fatal consequence of listening to propositions that lead to inevitable destruction.

5 Oct. 1774. Lord D. signified the Kings pleasure not to meet the assembly except urged by the last necessity, till further orders.

14 Aug^t 1774. Lord Dunmore wrote from Frederick county, of the Indian incursions even to the East of the Mountains — of his purpose to March a body of Men to the Ohio & down that river to the Mouth of the Scioto & if he can only penetrate to the Indian lower towns *undiscovered* — hopes to put an End to this Most horrid War in which there is neither honour, pleasure, nor profit.

Instructions to their Delegates to attend Congress. 1^{stly} To express their faith & allegiance to Geo. 3. as their lawful & rightful Sovereign, whom they are determined to support in the legal exercise of his just Prerogatives. However Misrepresented, they sincerely Approved of a constitutional Connexion with G. B. & ardently wish for a return of that intercourse of affection & Commercial Connexion that formerly United both Countries.— British Subjects in America Entitled to all the rights of British Subjects in Britain.

The end of Government would be defeated by the Parliaments exercising a power over the lives, property & the liberty of the American Subjects. The Original Constitution of the American Colonies gave their assemblies the sole right of directing their internal Policy — wanting the protection of Britain they had long acquiesced in her acts of Navigation : But, as *those acts derive their efficacy alone from that foundation*, we expect that they will be so restrained as to produce the reasonable purposes of Britain

without injuring them—express a desire to pay their Debts to Britain—Vehement declaration against Gen^l Gage's (this despotic Viceroy) proclamation, declaring it treason for the people of Massachusetts to meet to Consider of grievances.

[2 Nov. 1775. Lord Dartmouth wrote Lord D. that he had laid his Dispatch of 14 Augt. before the King.—approves of his Marching against the Indians.]

1 Dec. 1774. Lord Dartmouth wrote to Lord D. that he might declare the Copper half pence (formerly Cent) to be the lawful Current money of Virg^a.

DARTMOUTH TO DUNMORE.

WHITEHALL 8th September 1774.

MY LORD,

The Deputy Governor of Pensylvania, in his Message to the House of Representatives on the 18th of July last, asserts that the Hostility of the Indians upon the Ohio River, which had spread such general alarm and distress throughout the Back Settlements, was occasioned by the unprovoked ill treatment of those Indians by the people of Virginia, who had barbarously murdered about eleven of the Delaware and Shawanes Tribes; and that many friendly Indians who had generously afforded protection to the persons and goods of Indian Traders, from the violence of some of their young Warriors; and who were at the risk of their own Lives, escorting those Traders to their friends near Pittsburg, were, contrary to all faith, attacked, and some of them wounded by a party of Virginians sent out for the purpose by one Conolly a Militia Captain, having a Commission from the Government of Virginia.

My Intelligence through a variety of other Channels confirms these facts, and adds further that this Conolly, using your Lordships name, and pleading your authority has presumed to re-establish the Fort at Pittsburg, which was demolished by the King's express Orders; — that he has destroyed the King's Boats which were kept there for the purpose of a Communication with the Illinois Country; — and that parties were sent out by his authority, or under his direction, for the purpose of building other Forts lower down the River Ohio.

The duty I owe the King, and the regard I entertain for your Lordship, induce me to take the earliest opportunity of acquainting your Lordship with this Information, to the end that the facts asserted, if not true, may be contradicted by your Lordship's authority; but if otherwise (which I cannot suppose to be the case) such steps may be taken as the King's Dignity and Justice shall Dictate.

I am, my Lord,

Your Lordship's

most obedient

humble servant

Governor of Virginia.

DARTMOUTH.

SAME TO SAME.

WHITEHALL 8th Septem^r 1774.

MY LORD,

I have not before me any Letters from your Lordship the receipt of which has not been already acknowledged. But I must not omit the first opportunity of acquainting you that the contents of your Dispatch of the 16th May (No. 16) have had the fullest Consideration.

Upon this occasion the Measures that have been pursued by Government respecting the Country lying between the

Ohio River and the Northern boundary of North Carolina and the grounds of policy of those Measures from the Royal Proclamation of 1763, down to the present Time, have been examined with due attention.

Your Lordship cannot have been ignorant of those Measures and must have seen that it has been the invariable Policy of this Country to prevent, by every possible means, any Settlement of the King's Subjects in situations where they could not fail of exciting the Jealousy of and giving Dissatisfaction to the Indians, and where at the same time the Settlers would be out of the reach either of the controul or protection of the King's Government.

It was upon this Policy and upon these motives that the King, by the Royal Proclamation of 1763, forbad settlements beyond the Heads of the Rivers that fall into the Atlantic Ocean; and altho' His Majesty was graciously pleased to accept from the Six Nations a Surrender of their Title to the Lands on the South of the Ohio, as low down as its confluence with the Cherokee River, yet such acceptance was accompanied with an order to Sir William Johnson to assure those Nations of His Majesty's firm Resolution not to suffer any Settlement to be made below the Kanawa River.

That assurance gave the greatest satisfaction to those Indians, and that no Nation might entertain jealousy of encroachment upon their hunting Grounds, His Majesty was further graciously pleased, at the request of the Colony of Virginia, to consent to a Treaty being held with the Cherokees for ascertaining the Limits of Settlement on the side of the Country claimed by them.

By that Treaty, which was concluded at Lockhaber on the 18th of October 1770, it was expressly stipulated that the settlement of The King's Subjects under the Government of Virginia, should be bounded by a Line drawn in a certain direction from the Mouth of the Kanawa River to the Boundary Line of North Carolina.

The faith of the Crown was, by this act, solemnly pledged to the Indians, and a Clause corresponding therewith has been accordingly inserted in the Propositions for a Government on the Lands proposed to be granted to Mr Walpole and his associates.

Admitting therefore that in the present State of that Country, it would, as your Lordship contends, be advisable, upon Grounds of general Policy, to allow Settlements under the authority of the Government of Virginia, beyond that Line (of which both myself and the rest of the King's servants entertain very great doubt) yet while these Compacts with the Indians remain in full force and The King's Sacred Word stands pledged for the observance of them, every attempt on the part of the King's Subjects to acquire title to and take possession of Lands beyond the Line fixed by His Majesty's authority & every encouragement given to such attempt, can be considered in no other light than that of a gross Indignity and Dishonour to the Crown, and of an Act of equal Inhumanity and Injustice to the Indians,

that cannot fail to be attended with fatal Consequences.

I am therefore commanded by the King to signify to your Lordship, His Majesty's just Displeasure that such a Proceeding as that to which your Letter refers should have received any degree of Countenance or Encouragement from you and it is not without real Concern that I find myself obliged to observe to your Lordship that if His Majesty had not been graciously pleased, out of His great Tenderness & Lenity, to suppose that your Conduct upon this Occasion has proceeded from Inadvertency to the facts above stated, it must have been followed by other Marks of the Royal Displeasure, which I mention to your Lordship, with a Wish of putting you more upon your guard for the future, for as on the one hand, it will at all times give me the greatest pleasure to represent to the King, in the most favorable light, the conduct of His Servants

acting the Department with which I am entrusted, so on the other hand, I consider myself bound by every Tie of Duty to His Majesty, to see that His Commands are duly obeyed by those to whom I have the honour of conveying them.

I am sorry I am obliged to say so much on this subject, but my Duty to the King is above all other Considerations, and having discharged that, so far as relates to your Lordship's Conduct in the Case of the purchase made by Mr Murray and others, I have only to add, that it is The King's Pleasure that you do, in the most public and solemn manner, declare His Majesty's Disapprobation and Disallowance of that purchase, and that you do exert every power and Authority which the Constitution has vested in you, to preserve inviolate the Engagements entered into with Indians in the King's Name, and to prevent any Settlement whatever being made upon any Pretence beyond the Line settled at the Congress at Lockhaber in Oct^r 1770.

I am further commanded by the King to acquaint your Lordship, that it is His Majesty's Pleasure that you do not make any Grant or consent to any Possession being taken of Lands included within the Limit of the Tract proposed to be granted to Mr Walpole and his associates, nor exercise any other Jurisdiction than what shall be absolutely necessary to preserve the public Peace and prevent Violence and Bloodshed.

Your Lordship will find that Orders were given some time ago for the Transmission of Lists of all Grants of Land made and passed within the Colony of Virginia, but as I do not find that the Order has been regularly complied with, I am to signify to your Lordship His Majesty's further Commands that you do transmit to me, by the first Opportunity, an account of all Grants made and passed by you, specifying the date of each Grant, the Name of the

Grantee, the Number of Acres granted, and where situated, and that you do make the like return every Six Months.

I am, My Lord,

Your Lordship's

Most obedient

humble servant

DARTMOUTH.

Earl of DUNMORE.

SAME TO SAME.

WHITEHALL 5th Oct: 1774.

MY LORD,

Since my Letters to your Lordship of the 8th Sep^r I have received your Lordships Dispatches N. 20 & 21, and having laid them before the King, I am commanded to signify to your Lordship His Majesty's Pleasure that the Assembly be not allowed to meet in consequence of the New Election until His Majesty's further pleasure be known, unless the imminent danger of an Indian War shall, in your Lordship's Judgement, make it absolutely necessary.

As your Lordship says that you were entirely ignorant of the Claim of M^r Walpole and his Associates, otherwise than by common Report, I think fit to inclose to your Lordship a Copy of Lord Hillsborough's Letter to Lord Botetourt of 31, July 1770, the Receipt of which was acknowledged by M^r President Nelson a few days after Lord Botetourt's Death, and appears by his Answer to it to have been laid before the Council. That Board therefore could not be ignorant of what had passed here upon M^r Walpole's Application, nor of the King's express Commands contained in Lord Hillsborough's Letter, that no Land whatever should be granted beyond the Limits of the Royal Proclamation of 1763, until the King's further

Pleasure was signified, & I have only to observe that it must have been a very extraordinary Neglect in them not to have informed your Lordship of that Letter & of those Orders.

I am

My Lord

Your Lordship's most Obedient
humble servant

DARTMOUTH.

DARTMOUTH AND PEN.

[MEM.^r PITT & LEE CONVICTED OF DISINGENUITY, PERHAPS FALSEHOOD.]

[*Proprieties 1775-6 Sec. off.*]

It is apparent that Penn had not during the year 1774 & even 1775 any apprehension that his rule was so soon to end: For his despatches are full of the disputes with Virginia with respect to the Western boundary.

Gov^r Penn wrote Lord D. That the Military Association universally prevailed in that Province.— That the Congress had again met & would continue for some time; but they kept their proceedings very secret. 5 June, 1775.

The Pensyl^y Mercury of this date published the plan of union submitted to the Congress of Albany 1754 by Dr Franklyn — because it bore so strong a resemblance to that laid before the Congress in 1774 by a Member (Galloway) it was thought right to take the child from the putative and give it to the rightful father — But Galloway in the same paper controverted this doctrine. 28 April, 1775.

In the Pensyl. Gazette of this date the prohibitory act of Gov^r Penn passed 31 Mar. 1775 was published. 14 June, 1775.

Gov^r Penn wrote to Lord D. That the Assembly after in vain endeavouring to procure his assent to a bill for 5 Sept. 1775.

striking paper, did of their own authority order £35.000 to be emitted — which now freely passes: The Assembly have voted to take into pay 4500 men for the defence of the province — The Committee have ordered to be built a number of flat row boats — and Machines of strong timber are to be sunk in the Delaware to obstruct the Navigation.

2 Oct. 1775. Penn wrote to Lord D. That in the present distracted times it will be utterly out of his power to give any assistance to the Kings Gen^l or Adm^l — The Committee seized a quantity of clothing for the Kings troops & gave Major Trench his parole.

5 Dec. 1775. Gov^r Pen sent Lord D. the instructions of the Ass^y to their Delegates in Congress, which discovers their abhorrence of a Separation or change of the form of Government, and notwithstanding the military preparations I am truly of opinion that the people of this province are very generally averse to all ideas of Independence on G. Britain & heartily desire a reunion with G. Britain.

9 Nov. 1775. The Speaker laid before the house a letter received last night by a vessel from London which was as follows —

HON^L SIR —

On the 21 of last month We sent to the Secretary of State for America a copy of the petition from the general Congress, and yesterday, the first moment that was permitted us, we presented to him the original, which his Lordship promised to deliver to the King.

We thought it our duty to press his Lordship to obtain an answer; but we are told, that, *as his Majesty did not receive it on the throne*, no answer would be given.

We have &c.

RICHARD PENN
ARTHUR LEE.

7 January,
1775.

Lord D. wrote to Gov^r Pen: I am very much obliged to you for the early communication of the proceedings of the General Congress.

These proceedings are of a very extraordinary nature; and it is with concern I see by your letter of the 6th of December that the Resolution for nonimportation has been so generally adopted in the Colony under your Government. Such measures and proceedings are but ill calculated to restore peace and union between Great Britain and the Colonies: But, tho they may in the moment provoke the vengeance of Government, I will hope, that we may yet in the consideration of the business be led to some proposition, that may ultimately bring about a happy accommodation upon some general constitutional plan.—

[In another letter to Gov^r Pen Lord D. had promised that any intelligence I may give shall be kept secret and pass only into the hands of the Kings most confidential Ministers]

Gov^r Pen wrote Lord D. That the Assembly [Dec^r 1774] 31 Dec. 1774. to his great surprise had unanimously approved the transactions of the late Congress & appointed Deputies to attend another. There seems too general a disposition every where to adhere strictly to the Resolves of the Congress: And the Committee of the City have already taken upon them to regulate the disposition of all British goods imported since the 1st Dec^r [1774]—

The house of Assembly (Pensylvania) recommend unanimously to the people of this province a strict attention to and an inviolable observation of the several matters & things contained in the Journal of Congress. [Printed votes] 30 Dec. 1774.

A Convention met in Jany. at Philadelphia to consult on the most effectual manner of carrying into Execution the resolves of Congress. [Pen to Dartmouth]

Lord D. sent a circular letter to the Gov^r with the Resolve of the house of Commons of the 27 of feb. 1775 — 3 Mar. 1775.

Pen says that he had received this letter [at that time] 29 April. by the packet which arrived last winter

Lord D. in a private letter had enforced his circ^r one of the 3 Mar. 1775.

3 May, 1775.

Lord D. wrote Gov^r Pen: That having received his letter of 28 feb. last & laid it before his Majesty it gave his Maj. great concern to find that there is yet no appearance in Pennsylvania of a disposition in the people to return to a just sense of their situation and of the fatal consequences of their longer continuing in a state of disobedience to the authority of the Supreme Legislature.

1 May, 1775.

Gov^r Pen wrote Lord D. of news having arrived of the commencement of hostilities in Massachusetts — which had so great an effect on the people of Pennsylvania that they instantly began to muster, are daily acquainting themselves with the use of Arms, and providing Arms & Ammunition, that they may be prepared for their defence.

[Rec^d at Whitehall 12 June 1775]

4 May, 1775.

The Pennsylvania Assembly, which was the first before whom the Resolve of 27 July by the house of Commons had been laid rejected it as insufficient, because they resolved to adhere to general measures.

5 July, 1775.

Lord D. wrote to Governor Pen — I have received your letters of the 29 Apr^l and 1 & 5 May.— The Assemblies Message to you of the 4th of May tho' unfavorable to the terms of reconciliation with America offered in the Resolution of the House of Commons is however expressed in terms of decency & respect to the Mother Country and holds forth appearance of a disposition to accommodation: But in the present state of things we must not trust to appearances of this nature; and no confidence can be placed in general declarations from the representatives of the people, whilst the people themselves are armed and arrayed for the purpose of supporting a rebellion that threatens to overturn the Constitution.

In this situation it is the Kings firm resolution, that the most vigorous efforts should be made both by sea & land to reduce his rebellious subjects to obedience, and the proper measures are now pursuing not only for augmenting the

army under Gen^l Gage, but also for making such addition to our Naval strength in N. America as may enable Admiral Graves to make such a disposition of his fleet as that, besides the squadron necessary for the N. England Station there may be separate squadrons at N. York, within the bay of Delaware, in Chesapeake bay, & upon the Coast of S. Carolina.

After what has passed there can be no doubt what ought to be the plan of operations for the Squadron the N. England Station; and I think it necessary to acquaint you for your own information that Admiral Graves will be instructed to exert the most vigorous efforts for suppressing the rebellion now openly avowed and supported in that Country and to seize and detain all ships & vessels belonging to the Inhabitants thereof, such only excepted as are the property of persons who are friends of Government and have shewn an attachment to the Constitution.

There is still some room to hope that the Colonies to the Southward may not proceed to the same lengths with those of N. England. It is however his Majesty's intention that the Commanders of the separate Squadrons I have mentioned should be instructed to prevent all commerce between the Colonies within their respective Stations and any other places than G. Britain, Ireland & the British W. I. that they should receive on board and give protection to any officers of the Crown, who may be compelled by the violence of the people to seek for such an asylum and to proceed as in the case of a Town in actual rebellion against such of the Seaport Towns being accessible to the King's Ships, as shall hereafter offer any violence to the Kings officers, or in which any Troops shall be raised or military works erected other than by his Majesty's authority, or any attempts made to seize or plunder any public magazine of arms or ammunition.

With regard to the plan of operations to be adopted by Gen^l Gage; it must depend upon his own judgment and

the opinion of the able Generals with him, and I have therefore only to add that it is his Majesty's express command, that you do exert every endeavour and employ every means in your power to aid and support him and Admiral Graves in all such operations as they may think proper to undertake for carrying the King's orders into full execution and restoring the authority of his Majesty's Government.

DARTMOUTH TO DUNMORE.

WHITEHALL 7th January 1775.

MY LORD,

By the New York Mail, which arrived Yesterday, I had the honor to receive Your Lordship's Letter dated at Fort Pitt the 16th of September.

I sincerely wish that the Efforts Your Lordship is preparing to make for restoring Peace & Security to the Frontier Settlements, may have the desired effect; but it would have been a very fortunate Circumstance, if, before you had adopted any Plan of general Hostility against the Indians, you had communicated your Intention to His Majesty's Superintendent for the Northern District, and had consulted him upon it, for I find, by letters I have received from that Officer, that though the Six Nations disapprove the Conduct of the Shawanese, yet they wished that the Chastisement of them might be left to themselves, & that there is a great Probability that any Efforts made by the People of Virginia, that may carry with them an Appearance of an Intention to extirpate those Indians will have the effect to unite the whole Body of Indians in one Confederacy against them.

I am, My Lord

Your Lordship's

Most obedient

humble Servant

DARTMOUTH.

SAME TO SAME.

WHITEHALL March 3^d 1775.

MY LORD,

It is fit I should acquaint your Lordship that the Resolution of the House of Commons which accompanies my separate Dispatch passed in the Committee by a Majority of 274 to 88, and was received & agreed to by the House without a Division, & indeed the great Majorities which have appeared in both Houses upon every Question that has been proposed for maintaining the Supremacy of Parliament, is such an Evidence of the general Sense of the Nation upon that Subject, as must shew how little ground there has been for those Assurances which have been artfully held out to the Americans of support here in the dangerous Conduct they have adopted, & convince them that there neither can, nor will be any the least Relaxation from those Measures which that Conduct has made indispensably necessary for reducing the Colonies to a State of due Obedience to the Constitutional Authority of Parliament.

I am, My Lord,

Your Lordship's

Most obedient

humble Servant

DARTMOUTH.

Earl of DUNMORE.

SAME TO SAME.

WHITEHALL 4th Janry 1775.

MY LORD,

Certain Persons, styling themselves Delegates of several of His Majesty's Colonies in America, having presumed, without His Majesty's Authority or Consent, to assemble together at Philadelphia, in the Months of September & October last; and having thought fit, amongst other un-

warrantable Proceedings, to resolve that it will be necessary that another Congress should be held, at the same Place, on the 10th of May next, unless Redress for certain pretended Grievances be obtained before that time, and to recommend that all the Colonies in North America should chuse Deputies to attend such Congress, I am commanded of the King to signify to your Lordship His Majesty's Pleasure, that you do use your utmost Endeavours to prevent any such appointment of Deputies within the Colony under your Government; and that Your Lordship do exhort all Persons to desist from such an unjustifiable Proceeding, which cannot but be highly displeasing to the King.

I am, My Lord,
Your Lordship's
Most obedient
Humble servant

DARTMOUTH.

Governor of Virginia.

SAME TO SAME.

WHITEHALL, 3^d March 1775.

MY LORD,

My separate Dispatch of this Day's Date, inclosing a Resolution of the House of Commons, may be ostensibly of use, in case the General Assembly should think fit to take up the Consideration of that Resolution; but it is fit I should observe to you, that it is not His Majesty's Intention, for very obvious Reasons, that you should officially communicate it to them. At the same time, as I think it cannot fail to be an object of Discussion in the Assembly, I must add, that the King considers that the good Effect of it will, in great Measure, depend upon your Ability & Address in a proper Explanation of it, to those whose Situation & Connections may enable them to give Facility to the Measures it points to; and His Majesty has no doubt,

that you will exert every Endeavour to induce such a Compliance, on the part of the Assembly, as may correspond with His Majesty's Ideas of their Justice, and His earnest Wishes to see a happy Restoration of the public Tranquillity.

I am, My Lord,
Your Lordship's
Most Obedient
Humble Servant

DARTMOUTH.

Governor of Virginia.

SAME TO SAME.

WHITEHALL 3^d March 1775.

MY LORD,

I have received your Lordship's Dispatch of the 24th Dec^r N^o 23; and it is with the greatest satisfaction that I have it in command from The King to acquaint your Lordship, that what you say in justification of your conduct in respect to those Transactions in the Indian Country to which my Letters N^{os} 12 & 13 refer, [date 8 September 1774] leaves no room in the Royal Breast to doubt of the Uprightness of your Lordship's Intentions. At the same time it will be very proper that your Lordship should signify The King's Disallowance of the Indian Purchase upon the Ohio, lest the Adventurers in that purchase should, from your having consented to transmit their pretensions, entertain a hope that such purchase will, on any account, be approved of here.

The steps which have been pursued in the different Counties of Virginia to carry into execution the Resolutions of the General Congress, are of so extraordinary a nature that I am at a loss for words to express the criminality of them, and my surprise that the People should be so infatuated as tamely to submit to acts of such tyranny &

oppression ; it is however an evil which, from the situation & circumstances of Virginia, where the People must ultimately depend for subsistence upon an export of the produce of their lands will, I should conceive, work out its own cure ; & that the promoters of those violent measures will soon be convinced of the folly of their conduct, tho' not perhaps till some of them fall victims to that resentment of the People which will be the inevitable consequence of the distress they must in the end be exposed to. But I will forbear at present to say more on this subject, as I shall probably have occasion to speak more fully upon it in a Separate Dispatch as soon as I have received His Majesty's Commands upon the inclosed Resolution passed in the House of Commons the 27th of last month. I shall therefore only add that the communication to Parliament of that part of your Letter which relates to the proceedings of the People in the different Counties of Virginia will probably occasion the restrictions proposed to be laid upon the Trade of the New England Governments being extended to Virginia.

It would have been very agreeable to me if I could have obtained an Appointment for M^r Carter to be of the Council in the room of M^r Page, but as M^r Gawin Corbin had long stood upon the List of the Board of Trade & was upon this occasion, supported by the most respectable recommendations, I could not under your Lordship's favorable representation of his character & qualifications resist his Nomination in preference to another person who had no other advantage but that of standing first on your List.

I am, My Lord,

Your Lordship's

Most Obedient

Humble servant

Earl of DUNMORE.

DARTMOUTH.

LETTER TO COLONEL LEE.

You are now in a situation as perilous, as any in which a People can possibly be placed. But dangerous as the Navigation is, history has placed Beacons upon the fatal Rocks, by which an attentive Navigator may shun the destruction that has overwhelmed others. To withstand the Powers of this Country, which are set in array against you, is one danger ; to prevent the sword that has defended you, from becoming the instrument of your oppression, is another, and perhaps little less formidable than the first.

The present Generals, and perhaps almost every man who has taken up arms, are at this time perfectly free from any intention, or even idea, of ever employing them against the liberties of their Country. It was probably the same at first with the Parliament Army in the time of Charles the first. But what Chance and Change may bring the bad forward, or what views may open, what temptations rise, from untried situations and unexpected power, to corrupt and pervert even the good, is a subject well worthy of the constant consideration and vigilance of you and others, who like Hampden, Pym and St John, have engaged in this business from the purest and most unalterable motives of publick good. A frequent and minute contemplation of the various steps which lead to the usurpation of Cromwell, and the total disappointment of that plan which the Wisdom and Virtue of others had formed, will enable you to discern at a distance the tendency of similar steps with you, should they be taken ; and to frustrate them easily, by an early Counteraction. These are times in which few should be trusted, and many suspected. Human nature is ever the same, and in given situations, men will almost invariably act the same part.

It is I think therefore by all means advisable for you to form a secret and select Committee of Safety and observation over the conduct of those, who are entrusted with powers great and dangerous, tho' now necessary. If you approve of this plan, and Communicate it to the Adams's and Hancock, I imagine you may effectually provide — ne quid detrimenti respublica capiat, in this eventful contest.

I am sure you, and I trust the rest of our Countrymen will never forget the dignity of the Cause in which you are engaged. So far from tarnishing, you will endeavour to heighten its lustre by signal Acts of Magnanimity. The treating Prisoners with humanity — the shielding age and womanhood from the horrors of war — the not being too hasty in making Reprisals, should the conduct of the adversary render them justifiable, but manifesting a generous reluctance in the exercise even of necessary severities, will give a solid reputation and dignity of Character to your Arms and Actions, that will well become the Cause in which you are contending, and make you respectable in the eyes of Europe.

In the agitation of so great a question, and by means of such magnitude, you are to expect and prepare for instances of every vice and passion, that can actuate the Actions of Men. He who expects that, in such Circumstances, all will go uniformly on, that, because it is a question in which an heroic love of one's Country apparently rides paramount to every other passion and pursuit, therefore, neither treachery will sometimes betray, Cowardice confound, nor self-interest sap the public good — is liberty to fall a sacrifice to his Credulity? A wise and good man will wear a jealous eye over the various events and Characters that the turbulence of the times will bring forth, and be prepared to shield the public from the designs that may be formed against it, as well from within as from without.

Since the late events in America, I entertain less hope from this Country than I did. I hear no man speak upon

the subject (some few excepted) with the least reference to principles of reason, humanity or justice. Passion and prejudice are their only guides; and these, as you may imagine, generally mislead them. In the mean time, the Ministry unveil their designs with a grossness, that one would think nothing but ignorance made drunk could overlook or mistake. Yet I assure you the Arming Irish Roman Catholics to butcher their Protestant fellow subjects, does not appear to give the least alarm or offence. I can therefore only repeat, *what I have often said, America must trust to her own firmness and unanimity* to save her from distraction. Corruption has such influence here, and dissipation of the most unlimited kind has so detached them from all serious considerations, that they are truly homines ad Servitudinem parati. The high reverence I always entertained for the English name and virtue has made me struggle long against the evidence of facts, that is now become irresistible. Let us, while we drop a pious tear over the fallen virtue and majesty of this People, learn to shun their fate; and remember, that the Liberty that is won by virtue, by virtue only can be preserved. I have understood that, urged by the inexorable resolution of Administration to Arm every hand Scotch, Hessian and Hanoverian, Irish Papists, French Roman Catholics, and Savage Indians for your destruction; and all this with the acquiescence at least of the People, it is in Contemplation, upon your last Petition proving fruitless, to declare a dissolution of all Connection with this Country. This is a Measure of great Consequence, and deep consideration. My opinion, you know, has been ever against a disunion of the two Countries, as big with inevitable danger to both. At the same time, I would remit no endeavor to ascertain and fix the terms and limits of our Union upon clear and solid ground. While these are Vague and arbitrary, America must be perpetually harrassed and grieved. (The State of the question will be very naturally altered when,

instead of resisting oppression and contending for the recovery of former subordinate rights, you are fighting avowedly for independent Sovereignty. In the former, you will always have a party here for you, and the Body of the People will at worst be Nenter. But in the latter, this whole Nation must be united, earnest, and active to subdue you. It cannot therefore be prudent to hazard the effecting that, which the Ministry and your Enemies most wish; unless you are assured of foreign support to counteract its effects.) And even then, my rooted affection for the stock from which we sprung, the consideration of the danger of being severed from those whose religion, Constitution, sentiments and habits form so natural and strong a Connection, and to which the powers that would offer you assistance are adverse would incline me not to adopt such a Measure but as the last resource. Arms have been taken up avowedly to vindicate Old, not to establish new rights. Until such a prosecution of oppressive and ruinous Measures shall have actually taken place, as to cancel all former obligation, render all hope of redress and reconciliation obscured, and make it manifest to all the world that no other Alternative is left but independence or Slavery; the Declaration of the former will make the reasons given for taking up Arms appear a pretext only, and so far prejudice the justice of your Cause in the estimation of impartial Nations, as perhaps to be of material injury. The Supremacy of Parliament you have acknowledged to all the World, in the most solemn manner. Yet events certainly may happen, on which you may say, with one of the ablest and most Authoritative Authors, on the rights of Nations, Mons^r De Vattel, *Mais ce haut attribut du souverain n'empêche pas que la Nation ne puisse réprimer un tyran insupportable, le juger même, en respectant, dans sa personne, la Majesté de son rang, et se soustraire à son obéissance. C'est à ce droit incontestable, qu'une puissante République doit sa naissance. La Tyrannie exercée par*

Philippe 2^d dans les Pays-Bas, fit soulever ces provinces, sept d'entre elles, étroitement confédérées, Maintinrent courageusement leur liberté, sous la conduite des héros de la Maison d'Orange, et l'Espagne, après de vains et ruineux efforts, les a reconnues pour des états souverains et independans. Si l'autorité du Prince est limitée and réglée par les loix fondamentales, le Prince, en sortant des bornes qui lui sont prescrites, commande sans aucun droit, sans titre même. La Nation n'est point obligée de lui obéir, elle peut resister à ses entreprises injustes. Dès qu'il attaque la constitution de l'Etat, le Prince rompt la contrat qui lioit le peuple à lui ; le peuple devient libre par le fait du Souverain, et ne voit plus en lui qu'un usurpateur, qui voudroit l'opprimer. Cette verité est reconnue de tout Ecivain sensé dont la plume n'est point asservie à la crainte, ou vendue à l'intérêt. Such is the decided and pertinent opinion of this great, good, and wise man. But still there can be no harm in Manifesting the least reluctance to take such a step, and letting the reasons be glaring to all the World.

You will perceive the evasion about not answering the Petition, because it was received upon the Throne. The objection was made after its having been presented in the usual Manner. It was contradicted by the Answer given repeatedly (Dr Franklin knows) to Petitions from Massachusetts Bay. The distinction is itself new and arbitrary. If you Petition again, perhaps you may think proper to order it to be presented on the Throne only While you Acknowledge the King, and your Connection, Petitioning Notwithstanding its fruitlessness seems to be Politic and proper. It will shew a disposition to harmony and peace, which is always laudable. The oftener your petitions are rejected, the more truly may you say, as the Samnites did to the Romans * *justum est Bellum, ubi necessarium ; et pia arma, ubi nulla nisi in armis relinquitur spes ;* or as Jugur-

* Livii, Lib. IX. § i.

tha said to the same people — *Crudelissima ac superbissima Gens, Sua omnia, Suique arbitrio facit. Cum quibus bellum, cum quibus pacem habeamus, se modum imponere æquum censent.*

By this time Virginia we are told is visited by some of the *ratio ultima Regum* from Boston, to second L^d Dunmores pious intentions against it. 'Tis also said, that some of the Troops to be sent from hence are destined against you. There is no part but what must feel the vengeance of Administration, and after having excited a resistance, which they call Rebellion, in the Northern Provinces, they seem determined to kindle the same in the South. It is certain that their utmost power is to be put forth next Spring, both by Sea and Land, for your destruction.

Let me again entreat you not to let any outrages practised by those Commanders who are sent upon this nefarious business of Administration, against the Laws of Nations, make you descend from that dignity and Magnanimity which ought to distinguish your cause and Character. Rather let the Noble example of Scipio sway you, as it is recorded by Livy (lb. 30. ch. 25) in the following speech. *Etsi non induciarum modò fides à Carthaginiensibus, sed jus etiam gentium in legatis violatum esset; tamen se nihil, nec institutis Populi Romani, nec suis moribus indignum in iis facturum esse.* He therefore dismissed their ambassadors in Safety. Remember that upon your conduct now, will your Character among all Civilized Nations be formed for justice and Magnanimity.

God bless you

Adieu.

SEPT.^R 22^d. 1775.

Addressed to Col^{* R. H. L.} Chantilly Westmoreland County.

‡ F. L. L. should open this letter if R. H. L. is not at home and then forward it to R. H. L. to Philadelphia or wherever he is.

* Richard Henry Lee.

‡ Francis Lightfoot Lee.

COPY OF LETTER TO COLONEL RICHARD HENRY LEE.

I am afraid the most Wicked Machinations of Governor Dunmore have by this time, involved you in the horrors of War. What the Ministry intend against you and the rest of America, cannot be exactly ascertained before the meeting of Parliament. Probably they have not yet determined upon the exact mode of executing their Vengeance. You will do wisely however in preparing for the utmost extremity that the most unprincipled and deepest revenge can suggest. It is said, and I believe with truth, that the War is to be carried into Virginia, as well as in the Northern Provinces, next Spring. This Winter will be employed in providing every means that can Shield you from the destruction to which your merciless Enemies have destined you. Some precautions will be taken, relative to your Negroes; some fortifications, in the places by Nature most inaccessible, for Magazines and Refuge will be made. Cannot the Capes, by the Co-operation of the two Colonies, be rendered impassable? Should not alarm Houses be erected there, as well [as] at the Mouths of the Rivers? No precautions can be too great against the dangers that threaten you, especially as no one can tell what foreign foes, taking the advantage of the present State of things, may invade you.

The utmost industry of the Ministry is employed to inflame mens minds here, especially by publishing General Gage's accusations of Savageness and barbarity in Carrying on the War, on the part of the Provincials. These Accusations, like those of Barnard & Hutchinson are made in such general terms, as admit not of a specific refutation, and in a general denial, his word is more likely to gain credit than that of those he Accuses.

Whatever may be the real sentiments of People here in

this question it is not easy to conceive more quietism than prevails in general. The interested on each side declare themselves, but the bulk of the Nation are perfectly silent. We therefore see the Jacobites and Non jurors Addressing for Coercive Measures, the Merchants and Manufacturers petitioning for conciliation, while the Counties and large Cities in general (London excepted) remain unmoved. The increase of Taxes, which another years continuance of violent measures must produce, will excite much Clamour, which will not be diminished by the interruption of Commerce.

Our good friends at Glasgow, are by their Agents here, endeavouring to procure a proposition from the Merchants, in conjunction with them, to supply Administration with Money for carrying on the War, provided the forfeited Lands in America are secured to them. This Money is what the Virginians chiefly have supplied them with, in contemplation of the approaching troubles, by treble Remittances. This is Scotch gratitude.

Thirty thousand Men is said to be the Estimate of the whole force intended against America, next year; and indeed it is difficult to conceive, where Troops and taxes will be found for such an Army. Wherever the Storm falls it will be heavy. *But that such a force can shake one Province, much less the whole Continent*, is to me incredible. I am afraid a total disconnexion between the two Countries will be the consequence of these hostile Measures. Common danger, however, if it should occur, would unite them again. The ensuing Session of Parliament, will decide whether we are to have actual War or not. For should opposition be stronger and in earnest, I cannot but think the Calamities we dread will yet be prevented. However this is more to be hoped than trusted to. Parliament is to meet on the 26th of next Month. If any thing could make us doubt a providence it would be that the lust of Tyrants is suffered perpetually to blot the face of the

Earth with blood and Misery. It seems that Liberty is never to be procured, or maintained but by the Sword. Be vigilant in providing for your Safety against the probable attempts of next Spring ; and let not the Philistines come upon you unprepared. The Union of America once secured, her vigilance must render all attempts upon her Liberties abortive.

God bless and preserve you and yours and send us a happy issue out of those distresses and dangers.

Addressed to Col^o R. H. L.

Chantilly Westmoreland County.

SEPT^R 22, 1775.

TO ROBERT CARTER NICHOLAS, ESQ^r. TREASURER OF
VIRGINIA AT WILLIAMSBURG.

*This letter must be forwarded by Express, as directed, as soon as it gets to hand.
(This directed to Ridlehurst Ordinary Keeper at Hampton.)*

Nov: 13th 1775.

The plan is now fixed. The ministerial War against America is to be prosecuted with all their Might for one year more at least, which, if successful on the part of the Ministry, will be continued, until the liberties of America are totally abolished ; but on the Contrary, if the fate of War should decide in favour of America, and the Ministerial Troops be kept blocked up in the Seaport Towns under protection of the Men of War, at the end of the next Campaign, as they are at present ; it will be impracticable for the Ministers to prevail with the People of England to continue the War another year, for the present years expence will exceed Seven Millions of money, exclusive of the immense loss to the Community for want of the American Commerce, which together with the certain distress that will most assuredly overwhelm almost all the

Manufacturers in England, will raise such a storm, as no Minister can appease.

It is proposed to send in Course of the Winter and ensuing Spring, from Twenty to Thirty thousand Men more, to the different parts of America ; with Ammunition, Artillery, and proportionable Number of Ships of War. From Two thousand to 25,00 Men are to embark for Charles Town, South Carolina, the beginning of next Month, in Jan^y or Feb^y, a like number are to be sent to Virginia ; which it is imagined, will be sufficient, under the direction of Dunmore, to subdue that Colony ; as all the Natives and inhabitants, lately come from thence, particularly *two Parsons* from W^{ms}burg, represent the Colony as totally destitute of Arms, Ammunition, Courage or Military discipline ; altho' it is well known that any quantity of Arms and Ammunition, may at this time, be got in all the Sea port Towns of France and Spain : therefore, if the Virginians are Caught napping, after the advantage of the Winter season, they little deserve Commiseration. However well disposed, a great Majority of the People of England may be to the Americans, they cannot expect any assistance from hence, or indeed, very little Communication of intelligence, on account of the danger the assistants would run, of exposing themselves to the resentment, injustice, and Cruelty of the most abandoned and Blood thirsty Administration that ever disgraced the British Nation, and of the uncertainty of any letters getting safe to hand. For this reason, one would think it prudent for each Colony, to follow the example of the great Men who planned the Revolution, who never Negotiated with the Prince of Orange by letter, but by Personal Communication, to send Occasionally to England some trusty and discerning person, who could convey Verbally every necessary information. It is thought by the most knowing Persons, that the Ministry will never be able to get in Great Britain or Ireland near the Number of Men that they pro-

pose to send to America for the ensuing Campaign, so exceedingly averse are the Mass of the People, even the Irish Roman Catholicks, to the unnatural and savage Civil War against America, notwithstanding greater Premiums and bounties are given for recruits, then ever was known before: therefore, if the Complement is made up, it must be by foreigners; in which Case, no one can doubt, but the General Congress will enter into an immediate treaty with France and Spain, since, according to the Treaties now subsisting between Great Britain and those Powers, opening the American Ports to Foreign Nations, cannot answer the purpose of procuring effectual assistance or supplies of Arms and Ammunition &c.

The Ministers have been very assiduous in procuring Addresses to the Throne, from every part of England and Scotland, to persevere in the American War. In this, they have proved their Weakness to a demonstration, for almost in every part of England, Petitions praying for Peace and Conciliation have followed the Addresses signed in general by at least four times the Number of Addressers; besides an Unanimous Petition the other day from the full and Complete Corporation of London to both Houses of Parliament, praying for the same Issue, added to the repeated Petitions and Remonstrances of the Livery of London in Common Hall assembled, to the same purpose. The Addresses, in order to deceive, are pompously inserted in the London Gazette (which by the by, from the late false and Mutilated Ministerial Accounts inserted therein respecting America is stiled the *Brussels Gazette*) from whence the Petitions are all excluded, in short it is impossible to explain the Savage designs of Administration more fully then by saying that L^d G. Germaine, the *Hero* of Minden, is made Secretary of State for America in the Room of L^d Dartmouth made privy Seal; and the bloody Weymouth Secretary for the Southern department in the Room of L^d Rockford resigned. Duke of Grafton with all his influence

has declared, decidedly in favour of America and joined the Minority, which has increased much of late, in both houses of Parliament. With all the Ministerial Parade of War, they intend to attempt another Scheme of delusion, something similar to L^d North's Contemptible Motion last Session, to divide, if possible, the Colonies, and deceive the People of England. All that is here Written, May, and ought to be implicitly believed, as it is most assuredly true.

(LONDON.)

CAPTAIN SQUIRES TO LORD DUNMORE.

OTTER SLOOP, HAMPTON ROAD,
18 Sept. 75.

MY LORD,

I last night secured a Man that was coming Passenger from the Eastern Shore, who appears to me to be a great Rascal, two of my Men know him well, and are ready to make Oath that they saw him near York, and at Hampton, raising men to fight against the King, he was always in Company with one Trotter, who was present at Robbing your Palace of the Arms. I have therefore Prest him to raise men for the Otter. He says he was going for North Carolina, has a Horse & Saddle on board the Passage Boat that brings you this, which I think your Lordship had better order to be sent on shore at M^r Sprowles.

I am My Lord

Your Lordships most obedient
humble servant

M^y SQUIRE.

Earl of DUNMORE.

L^d Dunmore Comp^{ts} to Cap^t Squire, is sorry he can't send him the Letters he wants, having already inclosed them for the Secretary of State, but wishes Cap^t Squire would send him some other letters that came by the same

Vessel that he supposes Cap^t. Squire had Mislaid when he sent the rest, which should also be sent home.

Saturday Noon.

Captain Squires Compliments to Lord Dunmore, would be much obliged to him for the reading of two Letters he sent him the other night, one directed to Robert Carter Nicholas, the other to Richard Henry Lee, which I will return to your Lordship again.

OTTER SLOOP, Saturday Noon.

ADMIRAL GRAVES TO LORD DUNMORE.

PRESTON, BOSTON 28th July 1775.

MY LORD,

I have had the honor to receive your Letter June 17th acquainting me with the necessity of your Lordships Application to Captain Montagu to send Lieutenant Collins in the Magdalen to England, to convey the most speedy Intelligence to His Majesty of the Rebellious Transactions in the Colony under your Excellency's Government. I can assure your Lordship that it would give me the highest satisfaction to send such a Naval Force as might effectually command the Navigation not only of the great Rivers, but of the whole Coast, but at present the King's Squadron in America is barely sufficient for the Northern Provinces, and really it will not allow of being lessened but on the most urgent Occasions. Captain Macartney, whom I have sent to relieve Captain Montagu, will, I am satisfied, heartily Co-operate with your Lordship in every measure for the King's Service and readily give your Excellency all the assistance in his power. I beg leave to recommend him to your Lordship as a very able and punctual Officer, in whose Conduct and Advice respecting Naval Affairs, your Lordship may place the utmost dependance.

Your Lordship I presume is no Stranger to the transactions of the Rebels in this and the Neighbouring Provinces. On our parts we are anxiously expecting arrivals and the ultimate determination of Great Britain with respect to her Colonies now avowedly in Arms, contending for absolute independance. If Government thinks proper to enforce the Laws and compel the Americans to do what is right for themselves, His Majesty's Squadron in these Seas will be considerably re-inforced, and I shall then avail Myself of your Lordships hint, respecting the great Rivers which empty into the Bay of Chesapeak, by sending there what Force can be spared.

I shall be happy at all times to receive any information from your Lordship, for the good of the King's Service, and am extremely concerned the Weak State of the Squadron will not admit of my sending at present any more ships to the Southward. Altho' there is little room for such an expectation, yet I sincerely hope, that the People under your Excellency's Government may yet accept the terms His Majesty most graciously holds out to them, before 'tis too late, return to their duty, and thereby avoid the Miseries impending on them if they persist in their present senseless and rebellious Proceedings.

I am My Lord, with the greatest respect

Your Lordships

Most obedient and Most

humble servant

SAM^L GRAVES.

His Excellency the Earl of DUNMORE.

SAME TO SAME.

PRESTON AT BOSTON 7th August 1775.

MY LORD,

I cannot express my Astonishment upon Reading your Lordship's Letter July 17th representing the behaviour of

Captain Macartney of His Majestys Ship Mercury, whom I had considered and sent to Your Assistance as an experienced Officer, extremely diligent and punctual and without the least doubt of his Conduct in all Respects meriting Your Lordship's particular Acknowledgements. It gives me great concern to find 'tis totally the Reverse. I have therefore with all possible dispatch sent Captain James Montagu in His Majesty's Sloop Kingsfisher with Orders for Captain Macartney to return to me immediately in the Mercury, and as he must answer for his offences, upon your Accusation, at a Court Martial I am to request your Lordship will furnish me with such further Proofs of Captain Macartney's Guilt as can be procured, and are requisite to support your Lordships Charge against him.

The Otter and Kingsfisher are the whole force I can at present send to Virginia, and as the Command will devolve on Captain Squire, I shall be happy to know that he zealously endeavours to exert his utmost for the good of His Majesty's Service, and is acceptable to your Lordship.

I am My Lord with great respect

Your Lordships Most obedient

and most humble servant

SAM^L GRAVES.

His Excellency The Earl of DUNMORE.

SAME TO SAME.

PRESTON AT BOSTON 9th August 1775.

MY LORD,

I wrote to your Lordship the 28th of July by the Brig John, Hugh Kennedy Master, and am now to acknowledge the Honor of your Letter July 20th. I am entirely of your Lordships Opinion that the Ships stationed at Virginia cannot prevent the Rebels receiving supplies of Ammuni-

tion and Smuggled Goods ; there is no Station that has a number of Ships and Vessels equal to that duty, and this deficiency can only be supplied from England, from whence we are in hourly Expectation of the most interesting Accounts and of considerable Reinforcements.

As these cannot I think be far off your Lordship may rely upon seeing as many Vessels arrive within your Excellency's Government as can be appropriated to it.

I cannot order Captain Montagu's Tender to be purchased, but if she is a swift Sailing Vessel would recommend her to the Captains on the Stations who certainly can make it answer to them, as Ten p. Cent is allowed to the Proprietors out of all Seizures over and above their shares.

I am My Lord

Your Lordships Most

obedient and Most

humble servant

SAM^l GRAVES.

His Excellency The Earl of DUNMORE.

GEORGE MONTAGU TO THE EARL OF DUNMORE.

FOREY AT BOSTON August the 9th 1775.

MY LORD,

From the innumerable marks of your Lordships friendships, and your great politeness to me during my most agreeable stay in Virginia, makes me flatter myself a line from one (whose gratitude for these favors, cannot be express'd) will not be disagreeable, when I reflect on the ma(n)y happy days we pass'd under your Lordships very hospitable roof, and the present melancholy objects before

our Eyes, we cannot avoid being cast down; to see a town full of wounded Officers and soldiers, without a morsel of fresh Provisions or a likelihood of get(t)ing any is a very moving sight. Murmurings and discontents, with (I am sorry to say) great justice prevail Every where; The G——l and Ad——l on bad terms, the latter universally despis'd, his character prostituted in the basest manner, totally ignorant of the business he is employ'd on; he only turns his mind to find out ways of promoting his Nephews, which if he could, he would have done by breaking me, for sending home Collins — On my arrivall he order'd me to give him my reasons in writing for so doing, which I did, and where as I have enclos'd you, but not being satisfactory, he order'd me on board my Ship, refusing to look at any papers I had to show him respecting the Ship, I have not seen him since — he told me I must answer the consequences — which I suppose, would be by a Court Marshal, if he could bring me under any article of War, should that be the case, I shall be obliged to trouble your Lordship, as an evidence, but fearing he may have wrote home against me, I am to beg you will write to the Admiralty in my justification. — He urges my not hiring or pressing a Vessel which I say was impracticable, and would have occasioned great delay, which can be proved by you.

I spoke to him about the Arundell, he asked me why you did not purchase her, for that service.

I may congratulate your Lordship on the arrival of Lady Dunmore long before this, if the prayers of her friends have prevail'd, she has had a good passage. If your Lordship will do me the honor of presenting my best respects to your family when you write I shall be much oblig'd to you.

Your Letter to the Admiral against Captain Macartny will break him. — He deserves it. Enclosed I send you my answer to the Admiral's letter on that head. My

Brother, who will have the honor of presenting your Lordship with this ; will tell you what we are doing. begging you to accept my sincere wishes for your health and Happiness, I have the Honor to remain —

My Lord

Your Lordships most ob^t
and most humble servant

GEO. MONTAGU.

The Earl of DUNMORE.

P. S. Sandys & the other Officers of the Forrey beg you to accept their respectful Compliments.

August the 10th I have had a conference with my comander in chief to day, the result of which is, that he finding that he cannot hurt me at a Court Marshal, is glad to make the matter up, on my giving him my Honor, that my only motive for sending the Schooner home was my zeal for the Service. Notwithstanding I beg your Lordship will write to the Admiralty.

[G. B.] TO BENJAMIN FRANKLIN, ESQ., IN PHILADELPHIA.

LONDON 14th Nov^r 1775.

DEAR SIR,

I have rec^d. your Letter and Packet of the 12th of September and am much obliged to you for them. I am very anxious to hear more fully from you, as you are so good as to give me reason to expect. Before this can reach you, you will certainly have seen the Kings Speech. I heartly wish that that or any thing else may put the contending parties into a disposition of reconciliation. On the Debate of the Address, Lord North said with great emotion, to this effect, would to God that all

things were as they were in 1763, if the authority of this Country could likewise be replaced into the same state, that it was in the year 1763, but that an unconditional repeal of all the Acts since 1763, without some honorable Satisfaction to the authority of this Country, would leave this Country much disgraced. Then follow as of course angry accusations of America, as meaning nothing but independence and insult to this Country. Your friend Mr. Hartely who offered last year a draught of a letter of requisition as a plan of Settlement and accommodation desired to offer a Proposition to L^d N. upon the new ground that he had taken, for L^d N. had declared that we were not now at war for a revenue but in support of our authority resisted. The substance of Mr. H's proposition was, that if there was any sincere desire for Peace, he would endeavour to join issue with L^d N. and to offer such terms of accommodation, by which if Ministry would consent to replace America to the year 1763, he should on the other part propose, that, — America should give full satisfaction to the Point of honour. That he thought himself founded to engage for everything that could in reason be required from the Americans, under that declaration in their Petition to the King, that they did not wish even for reconciliation, notwithstanding all their distress, upon terms inconsistent with the dignity of Great Britain ; That taking his ground from this declaration, he should propose a recognition, not in words but in fact, which should effectually replace the authority of this Country (be it more or less without any invidious line drawn) where it was in 1763. The test proposed, was the enrolling some act of Parliament by the Assembly of each Province, supposing that the act of Parliament in view should be formed upon principles of justice and such as the Colonies would have received with a silent and thankfull compliance in 1763. All recognitions in words being unavoidably both invidious and

insidious, that therefore a test bringing no line of authority as to obedience into Question, was the only safe proposition. You Americans shall be as you were in 1763, if you will likewise admit an Act of test, such as you would not have had the least scruple to have admitted in 1763. We will throw a veil over all the theoretical disputes of rights of subjects, either as Colonists or as men at large, we will not discuss the rights reserved, or supposed to be reserved, at your emigration, whether tacetly or explicitly ; We wish that mutual concessions on both sides should bring the two parties together, we will on our part replace you where you were in 1763, if you will admit and register in your Assemblies such an Act of Parliament as you yourselves shall confess that you would have admitted in 1763. It is not an unreasonable request to make to America, that they should treat an Act of Parliament flowing from general principles of humanity and justice, with a different reception to what has been given to Acts of Grievance. It is certainly dangerous to disturb questions of the extent, [of] empire or obedience because after that, even acts of acquiescence may be construed to involve hazardous concessions, supposed to be included in the principles which have been brought under contest. But in the State of human affairs, we must not always be too scrupulous. Something must be given up for Peace. A Civil war never comes too late. Take your situation as it was in 1763, for better and for worse. In the present miserable prospect of things, I conceive that to be a fair and equitable bargain. The object of the Act of Parliament to be proposed to you may be perhaps in the event the abolition, but at present can only be considered as the first step, to correct a vice, which has spread thro' the Continent of North America, contrary to the Laws of God and Man, and to the fundamental principles of this Constitution, from which yours are derived. That Vice is Slavery. It would be infinitely absurd to send over to you, an Act to Abolish Slavery in one

word, because however repugnant the practice may be to the Laws of Morality or policy, yet to expell an evil which has spread so far, and which has been suffered for such length of time, requires information of facts, and circumstances, and the greatest discreation to root it out — (upon this subject pray look to a note in Mr. Duché's Sermon on July 7th 1775 before the Battalion of Militia p. 16.17) and moreover the unavoidable length of settling such a point, would defeat the end, of its being proposed as an Act of Compromise to settle the present unhappy troubles. Therefore the Act to be proposed to you, as an auspicious beginning, to lay the first stone of universal liberty to mankind, should be what no American could hesitate an instant to comply with, viz: that every slave in America should in all cases be entitled to his trial by jury. Will you not receive and enroll such an Act as this, and thereby reestablish peace and harmony with your Parent State. Let us all be reunited in this as a foundation to extirpate Slavery from the face of the earth. Can they who seek justice and liberty for themselves refuse to give justice and liberty to their fellow creatures. This is the substance of Mr. Hartley's proposal. The first step in the execution would be to suspend the Massachusetts Charter Act by which means every Colony would be in a full competence to enroll the required Act. The Plan therefore would be —

1st. To suspend the Massachusetts Charter Act. The Boston Port Act. The Act for removing Trials.

2dly. To pass an Act to establish the right of trial by jury to all Slaves in America, and to annul all laws in any Province repugnant thereto, and to require the enrollment of the said Act by the respective Assemblies of each Province in North America.

3dly. To pass an Act to Establish a permanent reconciliation between Great Britain and its dependencies in North America, and to restore his Majesty's Subjects in North

America, to that happy and free condition, and to that peace and prosperity, which they enjoyed in their constitutional dependence upon Great Britain, before the commencement of the present unhappy troubles.

4^{thly} To pass an Act of Oblivion.

The great misfortune in proposing any terms, is the distance and the length between us. Ministry say upon any proposals for mutual concessions, who can give us assurance that such or such terms will not be rejected in America. Then they catch at some hasty and ambiguous phrase from America, or talk in the high strain of Supremacy, against those whom they charge with a view of independence, and by such means all equitable propositions of peace are quashed. In short a majority is not to be convinced by reasoning. They will put what construction they please. If the Ministry should declare for peace, then the most favourable construction would be put upon every phrase, but on the contrary case every thing is turned against America; every hasty phrase is a settled plan of independence and even silence in any points upon the most prudent motives, is construed into secret views of independence. As to the late petition to the King, it is said to be very decent indeed, but to mean nothing. With regard to the offers from Parliament of the last year, It has been said both to Mr. Burke and Mr. Hartley: —

The Americans have very explicitly refused Lord North's proposition, but they have been totally silent as to the proposals of their own friends. They have taken notice of *Delenda est Carthago* which was a private incident in debate, but they have not added to their exceptions to L^d Norths plan, that if any proposition had been sent to them conformable to some plan proposed by their friends they would have acceded to such or no. Thus by the intervention of jealousies and misconstruction, the time of accommodation is lost, and anger is augmented into fury.

I have consulted several American Gentlemen, who have all expressed themselves as confident that America would not hesitate to comply to the Act of Jury to Slaves, if they could be assured by their compliance with such an Act of Parliament that they could secure to themselves restoration to their condition in 1763. It would be a satisfaction to receive some respectable or authentic opinion from America upon that subject. If some authentic sentiments either upon that or any similar plan of mutual concession could be communicated in the course of the Spring so as to be here in February or March or April (that is to say before the prorogation of Parliament) it might give some chance of preventing blood. A supply upon requisition, would like the case of Ireland, effectually exclude any other possible idea of Taxation, and open the way to very desirable relaxations of restrictions in Trade ; and, Taxation once out of the question, this Country could not have a motive to harrass America with needless or vexatious Acts of Legislation, more especially if supply were reserved to the Americans, as being the Constitutional balance to defend the Subjects in any State from grievous legislation. Then will you strike the bargain. A Supply upon reasonable Estimates to be laid before you for your free compliance. The enrollment of an Act for trial by Jury to Slaves, or of some other Act of Justice and humanity of a similar nature, and for you to receive a general redress of Grievances since 1763. With respect to putting a final end to Slavery in North America, It should seem that when this Country had lede the way, by the Act for Jury, that each Colony knowing best their own peculiar circumstances, should undertake the work in the most practicable way, and should endeavour to establish some system, by which Slavery might in a certain term of years be abolished. Let the only contention henceforward between Great Britain and America be, which can exceed the other in Zeal for

Establishing the fundamental rights of liberty to all Mankind.

Compt^s to Mess^{rs} Falconer, Read and all friends

I am dear Sir

Your Most Affectionate

G. B.

[SAME] TO DR. FRANKLIN, PHILADELPHIA.

LONDON, Nov^r 14th 1775.

D^R SIR,

I send you a copy of the petition from the County of Berks for lenient measures with America, which my Brother and I have signed with about a thousand others. Some time ago the Ministerial agents began to move for vindictive addresses, and got many from Boroughs, several of them by surprise and management, as I have been informed by public newspapers, all these addresses are printed in the Gazettes, but none of the Petitions for lenient measures. Probably the Gazettes will be sent to America, to convey the Idea that this Country is in a most vindictive temper towards America. As far as I can judge the body of the people are cold, and uninformed, but since these addresses have been set on foot, the spirit of petitioning has been roused thro' the Country. Sir G. Savile has presented a petition from Halifax with 1800 hands, and another from New Castle with 1200. The Addressers began in general, at Halifax the Addressers began, and got perhaps 40 or 50 hands. The Petitioners who otherwise perhaps would not have moved yet, amounted to 1800. It was just the same case with the County of Berks; The address was brought ready drawn, but when proposed at an open meeting was voted down ten to one, however no one can hinder a few addressors from signing their address. The addressors in

Berkshire have made so lamentable a figure that they could not have made any tolerable show as freeholders, therefore their address is entitled from freeholders and Inhabitants. As for Inhabitants of a County you may pick them up as you walk the streets of any Town. But freeholders make the respectable body of any County, you know my opinion as to this unhappy dispute. I do not think that it is the people of England, but the Minority who have been the Aggressors, and I take that to be the cause chiefly, which makes the People of England so Cold. They are not conscious of any ill designs in themselves, and do not know the aggressions of Ministry, or the conduct of Governors, Judges, Custom house officers, and place men in America, and above all they are deceived by the misrepresentations of Ministers at home. They do not know the history of the year 1768, and of the first introduction of Troops into Boston &c. &c. &c. Therefore not being conscious of evil towards America themselves, and being in the dark as to the conduct of Ministry towards America, they do not know what is to be said in justification of America. Ninety nine in the hundred are quite in the dark. But I hope the People of England will not be Nationally alienated from America, and tho' Ministers may keep us asunder for a time I hope that we shall some day or other come to a good understanding with each other. I write in great haste. My Brother joins with me in the most earnest wishes for restoration of peace, and of health and prosperity to yourself.

I am

dear Sir

Yours most affectionately

G. B.

TO DOCTOR WILLIAM SHIPPEN, JUN., IN PHILADELPHIA.

The enclosures sh^d be forwarded to R. H. L. of Virginia as soon as possible. Such as are fit for Publication will no doubt be reprinted. A Bill is ordered by the motion of L: N. to be brought into the H. of C. to repail (*sic*) the two restraining Bills of the last Session of Parliament respecting the North American Colonies; and to prohibit all kind of intercourse or communication whatsoever between those Colonies and every other part of the World, untill by Royal Proclamation, the whole or any part of them shall not be deemed in Rebellion, as they now are, by the late Ministerial Proclamation all Vessels whatsoever bound to or from North America are to be legal seizures if taken by the Kings Ships or Privateers of G. B. Also all Vessels that can be seized in the North American Harbours are to be in the same Predicament. This Bill is also to be an ex post facto Law, orders having been sometime since privately sent by the Ministers to the Commanders of the Men of War in America to make all the seizures they could which seizures by this Bill are to be deemed legal prizes,—in short it is to indemnify the authors of every violence that has or may be committed in America, or against American property.

LONDON, Nov. 23^d '75.

ROBERT CRAFTON TO FRANKLIN.

LONDON Nov: 15th 1775.

MY GOOD SIR,

I can't excuse myself from troubling you at this critical Juncter, having a very momentous affair to communicate,

with my poor sentiments on it ; and when a proper conveyance offers, I should be glad of yours in return.

A Peace and Union between Great Britain and America, is certainly worth some Sacrifice on each part, and if a middle line could be drawn, tho' it should not come up to the sanguine Ideas of Either, it might perhaps be Wisdom to adopt it.

Such a Plan is now in Contemplation, and I am not without hopes, that it will be carried into execution ; so far at least as concerns Government here ; it originates with a worthy member in the lower house, who is zealous in the great cause of Conciliation ; and as he will explain himself fully to you, by this very conveyance ; I shall not weary you with a repetition, of what will come so much better from his pen than mine.

My whole design, is to assure you, that I have considered his Plan, as minutely as I am able ; and am of opinion, that it is highly eligible, and worthy the attention of America ; and tho' it may, and must appear a degree of presumption in me ; unequal as I am, to pronounce on Questions of such magnitude ; yet I trust that my known zeal and integrity, will afford some apology ; and as our friend here, has flattered me so far ; as to consult me on the occasion ; I am in hopes to escape without any severe censure.

I wish this may meet yourself and family in good health ; and permit me to assure you, that among other happy advantages that will flow from this Reconciliation ; — that of your probable return to England, will not be thought the least, by your many friends here ; and I must be vain enough, to thrust myself into that circle.

Interim I salute you and yours and remain
your ob^d hbl. Serv^t

ROB^t CRAFTON.

BENJ^A FRANKLIN Esq. Philadelphia.

SAME TO SAME.

LONDON 22^d Nov^r 1775.

MY GOOD SIR,

Tho' I have already addressed you by this Conveyance ; yet as my mind is not quite clear, I must trouble you again ; and I trust to your friendship and candour, to impute my presumption to the best motives.

Always sanguine in my Ideas, I am already looking forward ; and supposing, that the fair and equitable terms, which our friends will offer to the house on Monday next ; will produce a lasting Peace and Union, between the contending Parties ; I have therefore turned my thoughts towards the consequences of this happy *Æra*.

The old mode of Requisition, is undoubtedly the most eligible ; but I imagine that I foresee an evil, that may even arise out of this ; and which should I think be provided against in Time ; and I think farther, that no Time is so proper as the present ; now that the Congress is sitting, and that such implicit obedience, is paid to all their mandates.

If the requisition for future supplies is made by the Minister, to each particular Assembly ; it is possible (nay probable) that some may be for complying, and others for refusing, or limiting ; this may create Jealousies among yourselves ; and the Ministry taking advantage of your dissensions, may by cajolling and favouring the more pliant Assemblies, effectually disunite you.

But if the Congress should now take it into consideration, to establish the proportionate Quota of each Colony ; so that the supply required, might be furnished in a collective manner, by the whole Continent ; it would be in my humble opinion, the means to cement you more closely ; indeed I could wish, that all supplies, might be furnished

by a Congress, to be held at certain stated periods; and I believe that some thing of that kind would be best for both Countries.

I am aware that it will require great abilities and great application, to investigate and settle this complex Business but I confide, that the present Congress, are fully competent to it; and tho' it will assuredly appear, that some Colonies can more readily supply men, others money, and others again Provisions; yet it might surely be adjusted and proportioned, by the wisdom and Patriotism of the present Delegates.

I shall trespass no farther on your Time and Patience; than only to recommend an earnest consideration of our friend's proposal, and a speedy answer; and I must confess that I think it of such importance, as to deserve a special Messenger.

I salute you most respectfully and
am your assured friend and serv^t

ROBERT CRAFTON.

BENJAMIN FRANKLIN Esq. Philadelphia.

(Q: If not the Hosier of Fenchurch Street.)

[SAME] TO JAMES SEARLE IN PHILADELPHIA.

LONDON, Nov: 20th 1775.

MY GOOD SIR,

I sincerely wish this may meet Mrs. Searle and your good self happily arrived in Philadelphia happy in your minds and happy in your friends, as much so however as the State of affairs will permit, and now Sir a Truce to compliments, as I have Business with you of the utmost importance.

This Business is no less than the accommodation of the unhappy dispute between Great Britain and her Colonies, a dispute that I know you will go any lengths to settle, and as I have not time, nor do I think it prudent to write to all my Friends, I have selected you with the bearer of this and Mr. Dillwyn to make what use you can of my present information.

You are conscious that the Americans have universally both in their private capacities and public acts declared that they wished for nothing on their part, but to be reinstated in their situation of 1763, the Congress have lately assured us that they wish for no Reconciliation on Terms that may be inconsistent with the dignity of the Legislature of Great Britain, and on our side Lord North has lately said openly in Parliament, that Administration had entirely given up the Ideas of Taxation or Conquest, and that he wished that all that had passed since 1763, was buried in oblivion, and America stood once more on that Ground.

Well Sir dont you begin to perceive though perhaps at a great distance that as both parties have appealed to the same Era, that something may be struck out of this; but least your sanguine conceptions should carry you on too far, I must call your attention back to the dignity of Government, this must be maintained right or wrong for it is not to be supposed that with such an overbearing majority in both Houses they will suffer you to make your own Terms.

But dont be disheartened the Terms held out may possibly be better than you expect, tho' not so advantageous as you wish, surely something may be sacrificed for peace and Union, something must be sacrificed on both sides or the flames of war will grow hotter and hotter.

And now Sir for our Olive Branch, which I must tell you originates with that friend to Great Britain and America David Hartley, and who has flattered me highly by

his condescension in asking my advice on all the Particulars, this Gentleman will make a motion next Monday and has already communicated it to Lord North, that, as a previous step to the accommodation the Boston Port Bill, that for removing offenders for trial, and that for altering the Massachusetts Charter, be suspended and that an Act of our Parliament be framed binding on all the Colonies but inoffensive in its nature such as for instance to oblige them to allow Negroes a Trial by Jury, this is to keep up the legislative authority of this Kingdom, which by repealing all the obnoxious Acts without some sort of acknowledgment would suffer an indelible stain and as there is no doubt that the Colonies would have submitted readily in 1763. to such an Act, it can now be no Grievance, this Act is to be enrolled by the Assembly of each Province, and without any other concession or hardship, all the Acts fifteen in number as I think are to be instantly repealed and a Bill of Indemnity brought in to bury all such things in Oblivion, including in it the revival of the old mode of requisition with some usefull regulations as set forth more minutely in that Gentleman's Motion of last year and to which I refer you.

I sincerely hope that these terms may be thought admissible, by you by your friends and by the Colonies in General. For my own part I cannot hesitate a moment to recommend them earnestly, and the more so, as I am assured you will not obtain any better, nor indeed would I have you too sanguine on these, as many difficulties may and will occur to impede their success, however if the Ministry should be so obstinate as to reject, yet if the Congress should be inclined to accept them, it will make them innumerable friends here and vice versa.

As you are now in possession of this matter I must request that you would with your wonted zeal, put the Idea in circulation among your friends, not as a real measure

but a measure in contemplation collect all their sentiments, and dont fail by all possible means to furnish me with the result, and that very shortly, as it will be of the highest importance to have such Documents to produce in February or March next, or however, before our Parliament rises; a Member of the Congress has been wrote to very fully on this subject, and we wish to have their sentiments as soon as possible to produce to Administration.

And this leads me to expatiate on a very serious Complaint which is charged on the Colonies by their friends here, and which I desire you will attend to. You must be conscious that several Plans have been proposed by Lord Chatham, Mr. Burke and Mr. Hartley, all tending to make Peace between G. Britain and her Colonies, and evidently favouring the claims of the latter, and yet neither in Congress, in Assembly, Provincial Meeting or even in confidential Letters between friends, have the Americans ever declared their approbation of any one of them or that they would accept them with such or such alterations, on the contrary a sullen silence has prevailed, as if they were not desirous of an accommodation and were fearful of consenting to any Terms least they should be accepted on our part. This is the language of Administration in both houses, and makes the declarations of your Congress very problematical. Talk no longer in general Terms of Peace, Liberty and Safety, but speak out and say such a plan is fair and equal and we consent to abide by it, and then your friends here have some Ground to stand on.

Nov^r 21st I am just now informed that Lord North made a motion last night and carried it three to one, to cut off all communication with America, and to commission his Majesty's Ships to make Prizes of all American Vessels that belong to the Rebel Ports; but I am yet in hopes that our conciliatory Plan will succeed first or last however. It has superseded another favourite Plan that we had in agi-

tation that of fitting out a small Vessel by subscription to go between Portsmouth and New York and carry the Merchants Letters.

I am about to conclude, but must first furnish you with my apology to any of my earlier friends, who may think themselves rather slighted in this matter, by the Preference given to you. Say to such that it would have puzzled me, but that you were luckily acquainted personally with the Author of this Measure, and were therefore better qualified to speak to it.

The Duke of G. — has quitted the Ministry and is in opposition, so is the Bishop of P. — and Gen: Conway the Earl of D. — has quitted the North American Department which is supplied by Lord Geo: Germaine, Lord R. — is no longer Secretary and it is even whispered that L^d N. is going up stairs; for my part it is not a change of Men that I want, but a change of Measures.

I remain yours very sincerely

ROB^t CRAFTON.

P. S. Nov^r 22^d It will be very necessary, in case any accommodation should take place, that the Congress should duly consider, the proportionate Quota, that each Colony should be rated; towards any requisition of Supply, that may hereafter be demanded; as it will always be the interest of America, that the Proportions should be settled among themselves; and the Grant be in one Lump, for the whole Continent; for if this or any future Ministry, should adopt the mode, of treating with each Assembly separately it will be a means of disuniting you by cajoling and favouring some at the expence of the rest.

SUBSTANCE OF INFORMATION COLLECTED AT NEW YORK,
FROM THE 4TH TO THE 10TH OF FEBRUARY, 1776.

OF THE DEFEAT OF THE REBELS IN CANADA.

In a letter from —— dated Montreal 6th January 1776, he gives the following relation of the attack, made by the Rebels, under the command of Gen^l Montgomery & Col. Arnold, on the Town of Quebec on the 31st of December. After expressing his distress of mind on that event, he informs him — that the attack began between the hours of 4 & 6 in the morning, in which fell Gen^l Montgomery, his Aid de camp M^cPherson, Capt. Cheeseman, Capt. Hendricks of the Riflemen, and 2 or 3 subaltern officers, & between 60 & 100 privates, the number not certainly known, and about 300 officers & soldiers taken prisoners; amongst which are L^t Col. Green, Major Bigelow, Major Meigs and a number of Captains & inferior officers. — That Col^o Arnold was wounded in the leg in the beginning of the action, as was Major Ogden in the shoulder and carried off to the General Hospital. — That in consequence of this defeat, their prospects were rendered very dubious; and unless they can be quickly reinforced, the consequences may be fatal, not only to those who are stationed here, but to the Colonies in general; the frontiers especially greatly depending upon their keeping possession of that country; — says that the temper & character of the Canadians are not that of persevering in adversity; that they are not to be depended upon, but like the Savages are exceeding fond of chusing the strongest party; — that the clergy refuse absolution to all who have shown themselves their friends, and preach damnation to those who will not take up arms against them — concludes with earnest entreaties

that a reinforcement of men may be instantly sent him from Connecticut and sent out by 10, 20, 30, 40, or 50, as fast as they can be collected together.

Substance of a letter dated Montreal, 7th January, 1776.

Begins with expressions of great grief & sorrow on account of so many great men falling — the battle was fought the 31st Dec^r — Worsters account from Arnold was that forty odd of the principal officers such as Colonels, Majors and Captains were slain, and sundry other officers of inferior rank with 160 privates killed and three hundred taken prisoners, all of his (Arnold's) party; Montgomery, his Aid-de-Camp and two others killed on the walls, with 10 privates killed, and several officers wounded of Montgomery's party. — This was all the account Arnold could give, as he was dangerously wounded.

Extract of a letter from Montreal, dated 8th January, 1776.

“I am sorry I have nothing but bad news to begin this year with. Last week our troops under General Montgomery & Col^o Arnold attempted to storm Quebec at a particular hour of the night, it being very stormy with hail and snow, but by a signal, given by Col^o Arnold half an hour before the time (and before our soldiers could come up the rocks, as we were to enter different ways,) the city was alarmed and fired upon them from all quarters, killed Gen^l Montgomery, his Aid-de-camp & Capt. Cheesman, wounded Capt. Lamb and have taken him prisoner, with most of the party under his command, wounded Col^o Arnold in the leg, and have killed and wounded 150 of his rifle men and have taken about 500 of his men prisoners, likewise have taken most of his cannon & mortars. Major Lockwood is likewise a prisoner. We are about 1000 strong before the place, and keep firing as usual. They behaved very well to the wounded & prisoners, and suffered all the prisoners to attend the General's funeral.”

Substance of another letter, dated 28th January.

That General Carlton ordered two parties from Quebec; one marched under the command of Col^o M^cLean and posted themselves between Col. Arnold and Gen^l Montgomery who were one mile asunder — That upon a signal given by the fire of a cannon, Gen^l Carlton with the second party attacked Arnold in front, and M^cLean in the rear, by which manœuvre Arnold's party were all killed or taken. The alarm then reached Montgomery's Intrenchment, which he mounted with his Aid de camp, who were immediately shot. His party fell in confusion and was routed totally. Gen^l Worster had shut up the Mass Houses in Montreal on Christmas eve, which with other matters had turned the Canadians. The priests are very warm in the Kings service, so that it is imagined Worster and Eaton with 200 men are fled from Montreal. Their people pass daily through and will not stay. Several died in attempting to get over the Lake George, frozen to death, in some places six, in some seven lie dead together. The Lake is not passable by land or water, nor do I imagine it will (be) this winter, before General Carlton clears Canada. No provincials have passed yet nor do I believe any body can get to Canada to be feared. In the spring the wheel will turn. Things here wear a better face. General Washington wants 8000 men but they are not to be had. They talk of raising 3000 men in Connecticut for Canada and 2000 in Massachusetts, but the people will not turn out for Canada. The Multitude would willingly accept of Lord North's speech but are led by bad heads that begin to totter. Powder is much wanted. They have it not. I hope Lee's expedition will do more good than hurt.

Substance of further Intelligence, dated New York, 25th January, 1776.

Yesterday arrived from Philadelphia a Col. Dyer one of the Delegates from Connecticut who says that a deserter

from General Montgomery informed the garrison the evening before that an attack was intended at four next morning the 31st Dec^r. On which L^t Col. M^cLean with about five or six hundred men stole up the River S^t Lawrence keeping the banks of the River on his right to a copse of wood where he lay until Gen^l Montgomery had passed him towards his intended storm, when Col^o M^cLean gave a signal for the attack from the city by a sky rocket and at the same time fell on himself with the greatest resolution.

Subsequent accounts from Canada inform us that Gen^l Carlton had sent out a strong detachment from Quebec and had routed the remaining part of the Rebel forces in that neighborhood; and had killed and taken prisoners upwards of 200 men,—That he afterwards sent a party in quest of certain disaffected Canadian gentry who brought in about 40—That orders were given that they should be tried by a jury of Canadians which was accordingly done and 22 being found guilty were sentenced to death & hanged. No accounts are yet received from Gen^l Carlton of either of the actions.

A circumstance is said to have taken place previous to the attack upon the Town of Quebec, which is stated in the following manner:—That Gen^l Montgomery made a present of 100 dollars to a Canadian to carry a letter to certain disaffected persons in Quebec, who were in confederacy with him to open one of the gates for his reception,—that the Canadian, instead of delivering the letter to them, carried it to Gen^l Carlton, who commending his fidelity, promised him 200 dollars more, on condition that he should deliver the letter to the persons directed, without taking notice of its having been communicated to him, and watching their motions afterwards, he discovered them in a house near the gate, prepared to give the desired assistance; upon which he ordered them to be secured, and planted a number of cannon & howitzers in a situa-

tion, proper for execution upon the approach of the enemy to whom the gate was opened according to the plan concerted. Arnold's corps upon this side of the Town; but they were soon made sensible of their error by the great havoc which ensued. In the mean time Col^o McLean fell upon their rear with so much success, that it was reported, the whole of that corps were either killed or taken prisoners.

Further articles of Intelligence.

Upon Gen^l Clinton's departure from Boston it is reported, that Gen^l Lee was directed to follow him upon the coast, and to watch his motions. On the 4th instant he arrived in this town with about one thousand Connecticut militia, under the command of Col^o Waterbury, who it is said are inlisted for a month or six weeks, and on condition that they shall not be obliged to march, either to the Eastward or Westward. On the 7th they were joined by about 500 Jersey troops, under the command of Lord Stirling. — There are besides 2 Battalions of Town guard consisting of about 400 men. — There are now lying in the East River the Asia, Phoenix and Mercury. — Nothing hostile has yet happened nor is it known what the intentions of the Rebels are. The Governor is still on board the Ship Dutchess of Gordon, without any prospect of getting on shore. None of the officers of the Navy go on shore, but the King's ships are supplied with fresh provisions from the Town. The inhabitants of Long Island and Staten Island had been disarmed by the Jersey troops under Col. Heard before our arrival.

Feb., 1776.
N. York.
Tryon.

By a letter from Philadelphia, dated the 4th of January, it appears, that on that day, the ships Alfred & Columbus sailed from thence with two brigs. The Alfred carries 36 guns 9 & 12 pounders, 60 marines, and about 200 sailors. The Columbus, about the same number of men, and 32 guns. The brigs carry 16 guns each. They sailed with 5

or 6 merchant ships, laden with flour from the Congress ; which are supposed to be bound to Spain & Portugal, Holland, or France for powder &c in exchange for their cargoes. The ships of war are said to be victualled for 9 months, and their destination is variously spoken of. Some suppose, they are to pay Lord Dunmore a visit ; others, that they are to cruise for Boston store ships, or to proceed to the Island of S^t Helena to intercept the homeward bound East Indiamen, or to Bermuda, or East Florida, to seize the Kings stores deposited at those places. The same letter says, that the Army at Cambridge, the latter end of November, consisted of 15000 men including 1000 Riflemen — that they had upwards of 100 Flats, carrying 3 cannon and from 40 to 60 men each, and about 60 whale-boats — that there is 13 Row gallies in the River Delaware, which carry 18 pounders & 40 men each, and that they are making a large chain across the Channel — and that upwards of 100 Flats are to be filled with Pitch, Tar &c which are to cross the river in two rows and to be set on fire, in case any fleet comes up. It is reported, that Willing & Morris of that place have received 80,000 dollars from the Continental Congress to trade for military stores.

Intelligence has been received that the Aurora one of the merchant ships mentioned in the above letter, laden with 3000 Barrels of Flour has been taken in the West Indies by one of the King's ships with 13 or 14 other American Vessels & that orders were given to seize all vessels belonging to American subjects. By the same conveyance we learn that 7 or 8 of the store ships bound to Boston had been blown off the coast and had arrived at some of the Islands.

From Connecticut we have a copy of the Governors Proclamation for raising a Regiment to be sent immediately to the relief of their brethren in Canada ; but recruits go on very slowly. — Two privateers were ready to sail from one of the ports in that colony, and it was imagined they

would be directed to proceed to Bermuda in quest of the Kings stores and ammunition. — An expedition it is said is also going forward in Georgia, from whence 600 men are to be sent to take possession of St Augustine. — We are assured that Gen. Schuyler has lately paid a visit to Sir John Johnson with a large corps from his Province, who after plundering his house and robbing him of a considerable sum of money obliged him to give a bond not to engage in the Kings service and have confined him to a certain district in that neighborhood. — It is reported that Congress are now striking off the Ninth million of dollars in paper currency. — It is said Gen. Lee gives out as a justification of his coming to N. York that he had intercepted a letter from Gov^r Tryon to Gen. Howe requesting a reinforcement of troops from Boston. — By the latest accounts from Boston things were perfectly quiet there. Dissentions were said to prevail in the rebel camp upon new modelling their Army, and desertions became very frequent. Admiral Shulldham in the Chatham was arrived with the Centurion, Renown & Niger and a number of large store ships for the supply of the Garrison.

Mercury, off
New York,
11th Feb.,
1776.

Preparing to sail. — This day Centinels were on the wharfs to prevent all further communication with the Governor on board the Duchess of Gordon.

Capt. Parker signifies his intentions of removing the Kings ships under his command (viz^t the Phoenix & Asia) to Sandy [*Hook*] on account of the ice in the East River.

CAPTAIN HAMMOND TO LORD DUNMORE.

ROEBUCK DELAWARE BAY, 8th April 1776.

MY D^R. LORD,

A Thousand thanks to you for your letter, and good wishes towards me. Be assured I have every inducement

to wish to be with you, but the hopes of intercepting the bold Admiral Hopkins, which I am in hourly expectation of seeing, is an object of too much consequence for me to lose sight of. I think the Roebuck a match for half a dozen of them, but still I most anxiously wish for another ship, to make the intercepting of them more certain; but as I am equally desirous of giving protection to Virginia, and preserving the little footing we have there, I am sure I wont desire you to spare me one of y^r ships unless it is your opinion that one of them might be spared for a short cruise & to return in a week or so, when in all probability by that time I shall be reinforced from the Northward.

You find what we may expect from G. C. I wish to God you would set to work heartily about the floating Battery. I have desired Cap^t Bellew to give y^r Lordship every assistance — be assured it will be of great use.

I found it necessary, in my present situation, to strengthen my ship, and thinking it unsafe to trust my Men & Ammunition on board so miserable a vessel as the L^d Howe upon this Coast, I have dismantled her and sent her round to y^r Lordship to be laid up. Not that I wish to give up the Idea of a Tender, but on the contrary if there should be any one at Norfolk that has the Character of sailing fast and can be made to carry ab^t 10 Guns I should be exceeding glad to have her. Apropos, I understand y^r Lordship has met with a Prize of Ten 4 P^{ds} you will perhaps wish to keep them for y^r ship, but if there are more than you want I shall hope you will bestow y^r charity on the Roebuck.

I have taken 6 or 8 small Vessels of little Value, which I rather chose to destroy than to put men on board them. I hope a few days will give me an opportunity of shewing you something of more consequence.

I am sorry to tell y^r Lordship I have lost my 3^d Lieut. who with three seamen are Prisoners with the Rebels: from an accident of being driven ashore in the Night in a

Pilot boat. I send the Sloops round in a great hurry, as a favorable opportunity offers, therefore have not time to write to G. C. nor do I know how to get it to him if I did. All that I could say to him is that I must remain here until I know the event of the Phil^a. Fleet, and receive the Adm^ls orders, both of which I expect daily. If you should write, tell him this, and desire him to continue his correspondance and express my wishes that we may be soon acting together.

That all & every happiness may attend y^r Lordship is the sincere wish of y^r most faithful F^d & Serv^t

A. S. HAMOND.

SAME TO SAME.

ROEBUCK DELAWARE BAY 26th Apr^l 1776.

A Thousand thanks to you, my Dear Lord, for your kind present, which is doubly acceptable as it convinces me I am not forsaken & neglected by every body. Is it not most unaccountable that I should have been so long without hearing from Admiral Shulldham? Sure some accident must have happened to the Kingsfisher, or she, at least, must have returned to me before this time. Nay, even supposing her to have been found so bad when she came to Boston, as to make it necessary to heave her down, or to send her to Halifax for that purpose, there is sufficient time elapsed for all that business; so that if she does not arrive very soon, I shall quite give her up.

I am also au désespoir about my Philadelphia Admiral, my hopes of seeing him this way being much damped by my last accounts from Philadelphia. In short I find he did not chuse to run the risque of returning to his own Port after his g^t feat at Providence Island, but rather chose to make for New London, which I suppose he concluded

was more open: however, on his way thither he got damnably thrashed by the Glasgow (and I believe afterwards by the Swan.) How exceedingly unlucky it was that they were not together! They chased the Glasgow, and a Brig (who I conclude was the best sailer) came up with him, whose business was very soon done. The Columbus then came up and lay alongside, whose Tiller being shot away, lay entirely exposed to the Glasgow fire, and was exceedingly shattered. This brought the great Admiral himself down, who soon began not to like his situation, and made the Signal for the two sloops to windward to bear down to engage the enemy, which as soon as the Glasgow perceived, she made sail from them, and as far as I can learn they made very little attempt to stop her. Hopkins in his letter to the Congress says he should certainly have taken the Glasgow if the two sloops had come down earlier; but he adds, he can hardly blame them, as they were well employed in taking one of the Tenders, a Brig with two mortars and 10 Guns. The Rebels lost a good many Men and a number of officers. Several Lieutenants, the Masters of the 2 ships and 1 surgeon, I understand, are particularly mentioned.

My Account says, the Congress has sent an express to New London to order Hopkins round here immediately to attack the Roebuck. How far this is to be depended on I cannot say: but I confess I don't think it unlikely, as they have a ship of 20 Guns (whose bottom they Tallowed last week) ready now to come down the River, and a Brig of 16 Guns laying in the shoal water under Cape May, ready to assist them.

It is with great concern I acquaint y^r Lordship, that M^r Boger, on returning to the Capes of Virginia from Conveying the Packet, was taken by this Brig I mentioned to you in my letter by M^r Mason. The story I have heard about it is this, when he saw the Brig he gave chase to her, and she suffered him to come up with her: as soon as

he began to fire to bring her too, she opened her Ports, and returned his fire, upon which M^r Boger engaged him, but I should rather think made a running fight, as he received a shot in his stern between wind & water, which killed a man in the cabin, and let in so much water that they soon called out for quarter, not having, it seems, any Plug ready to stop it with. The Lexington then took possession of her and carried her towards Egg Harbour, where he landed M^r Boger & his People, who were marched from thence to Philadelphia. The Vessel he sent thro' Cape May Channel in the Night, with his Pilot and two Men, who arrived safe with her at the Town ; and she is now fitting out with great expedition as a Privateer and will undoubtedly be sent to the Capes of Virginia : and by not being known for an Enemy, might of course, do a great deal of Mischief among our small Tenders. I have for that reason lost no time in dispatching the Lady Stanley back to y^r Lordship with this intelligence ; and had she not arrived as she did, I should this very day have sent my Pilot schooner round to you for that purpose.

I really wish most sincerely to be with you, and in fact, from what you tell me, think it highly necessary, but as I am positively ordered here by the Admiral, and have such very flattering expectations of having an opportunity either to destroy the ships expected in, or those intended to be sent out, to which I must add my hourly expectation of hearing from the Admiral, that I do not look upon myself at liberty to return as yet. But if you have any particular reason to think that Lee meditates an attack upon the Fleet & Lines, I would have you request Cap^t Bellew to move up the River, to place his ship in the best situation and to take such other measures as he may think necessary to prevent the designs of the Enemy, which he has my directions immediately to comply with.

I would give more than I can express to have the Otter, or even the Otters Tender here for a few days, as without

a small Vessel that can go in shallow water it is totally impossible (or at least very unlikely) that I shall be able to do any thing with this Brig Lexington. All the North side of Delaware Bay is encompassed with shoals & shallow water, having a channel of about 13 or 14 foot water within them: and this passage Mr Barry is at present master of. I have chased him several times, but can never draw him into the Sea. The day before yesterday as I was coming in from the offing, he stretched along to the southward with an Easterly wind, a back of the shoal called the overfalls, where I was very near doing his business. He at first tryed to stand round the shoal, and lead me up the Bay, but on finding I drew nearer to him than he wished, he tacked to the Northward, and was just able to tread his ground back, and I believe with some difficulty weathered the shoal. I was far from being in an eligible situation, as I run with all my studding sails, blowing very fresh, right before the wind, into $4\frac{1}{2}$ fath^m water, which is as near, my Pilots tell me as was possible for me to go. However, I trust if my good stars will be but propitious enough to me to send me any Vessel that can carry 50 Men, his reign will be of short duration, especially as his success of late has made him bold. I forgot to mention that the Liverpools Tender killed him two men.

I have taken nothing since I last wrote to you except a ship laden with Flax seed & staves, which I have sent to Halifax, and a Pilot schooner laden with Flour & Hams bound to S^t Eustatia for dry Goods & Powder. There were two sloops that came down the River with them, that I understand were York boats with 2 or 3 Guns & 20 Men that are gone to cruize for West India Men. I was obliged to let them get so far off before I gave chace, on account of a shoal being between us, that the Night came on before I could get within a distance to keep sight of them, and as they put right before the wind they sailed confoundedly fast.

I hope & trust S^r Peter Parker is with you before this time. I shall be very glad to resign my command at Virginia to [him] for two good reasons, for his having both the ability & means of executing his Maj^{ty}'s service, which has never been in my power, nor was likely to be, and also as I am in no degree equal to him but in zeal.

What is y^r Lordships opinion about Gen^l Howe & Adm^l Shulldham's destination? In my part I conclude they are both gone to Quebeck.

I send you my last News Papers. I have always had them weekly.

I met the other day with a poor, miserable Brig from S^t Croix, under a pretence of a Flag of Truce granted by the Governor to certain Persons inhabitants of the Island, for the purpose of fetching their children & familys from Philadelphia. I at first intended seizing her, but as she was not of the least value, I thought it best to send her back to make it known to his Exc^y that no pretence of that kind or any other would be allowed of to enable him or his Island to hold correspondance with the Rebels, and that if any Vessel was found upon the Coast in future or near it, authorized by their Government on any pretence whatsoever, after this warning, it would be considered as a breach of the neutrality subsisting between the two nations. If I had not rec^d the Water, I should have gone up the River and filled my Casks, as it is, I shall let it alone for some time.

[From A. S. HAMMOND.]

To His Excellency The Earl of DUNMORE
Governor of Virginia &c. &c. &c.

SAME TO SAME.

MY D^R LORD,

The News Paper you found at Brents House too truly related the Particulars of the Charles Town Expedition, and contains an exact account of our loss. I confess, myself, that I am not in the least disappointed, for I never did conceive that any good could come from such an undertaking, with so few Troops at this Season of the year.

Clinton with his army (all the one with the poor unfortunate Highlanders who fell a sacrifice to the Enemy thro' some cursed mistake, blunder, or treachery) sailed for New York the 21st July; and Sir Peter writes me word that he shall sail about the 28th for the same place, but as I have sent Whitworth down to you, he will have told you of everything that has happened there.

I hope this wind will continue until we reach the Capes and that the Weather will admit of our anchoring in Lynn Haven bay, when I shall do myself the honor of waiting upon you to consult on our future Plan.

I had very nearly lost the Row Galley this morning. With every thing in her she filled, and with great difficulty I got the Gun out. I have her still astern with a Cable fastened to her.

There is a schooner by the Tangier Island that I think looks like a Rogue.

I always am most affec^{ly} yrs.

A. S. HAMOND.

Sat^d Morn.

SAME TO SAME.

ROEBUCK 11 AT NIGHT WED'

MY DEAR LORD,

I have written the letter we talked of, and have enclosed the two orders under which I am *obliged* to act. Be assured it is with the utmost regret & concern that I leave this Province (tho' perhaps only for a time) as I am really of opinion, that was a respectable force, both by land & sea, once established in this Country, it would give a great change to His Majesty's affairs in America for the better. Clinton I think will certainly be here, by the last words he said to me in confidence; and as Sir Peter Parker in a 50 Gun ship with several other large ones are, I understand, to convey the five Regiments to Cape Fear, I think there can be no doubt but in a very short time you will find them all in Hampton Road.

I had a very unpleasant passage down here, and did not get on board till nine o'clock.

I always am my D^r Lord with
the most affectionate attachment
y^r faithful humble serv^t

A. S. H.

P.S. Be so good as to send back the two orders.

The Night is so bad that as I did not see Cap^t Bellews schooner come down the River before dark, I am sure she can not get down till to-morrow; therefore shall delay my schooner till I see her come down.

SAME TO SAME.

MY D^r LORD,

We are extremely unfortunate in the wind's having shifted to the westward; and unless it again changes, we

may be some days before we reach Sandy-Hook. This part of Long Island is a bad coast to be upon, as there are many flats lay off it a great distance from the shore: therefore beg you will order the Dunmore to make what sail she can.

I take all those vessels we see to be a nest of Rebel Privateers, and there may be others we know not of. They will certainly be troublesome to us in the night, and as there is no foreseeing what may happen, I beg your Lordship will take it into Consideration whether you had not better come on board here: at least until we fall in with some other Man of War. I should be much easier I confess if you would.

I am my D^r Lord
most truly & aff^{ly} yours

A. S. HAMOND.

ROEBUCK Monday off Long Island.

SAME TO SAME.

MY D^R LORD,

What shall we do for a Vessel to send to the Rendezvous, fixed with those People that went to the Eastern Shore last night? could you not prevail on Steward to send his Sloop, with the Stanleys Guns, or something of that kind. In short some Vessel must be got.

The ship thumped so confoundedly when I got on board her, that my barge was obliged to be detained to tow out an anchor, which kept me so long on board. I gave the 6 men ammunition & Provisions, and they left the Ship at 11 o'clock.

There is a Major Gardner & his wife on board the Lively, who with Cap^t Bishop I have asked to dine here to day. I wish y^r Lordship would do me the honor to meet them. The ship is going express to Clinton therefore must

not be detained one minute longer than the wind keeps out of the Way. The Victualer stays with us. Do you know any body that would go Pilot to Charles Town, as they are entirely without any?

Gen^l Howe was not arrived at New York, nor was the Fleet from England, but both were hourly expected when they came away which was 9 or 10 days ago.

Howe Commands the Fleet, and besides English Troops has 17,000 Foreigners, Mr Stanley writes me and there will be 35,000 in all. By way of letting Shuldham off easy, they have made him a Vice Admiral, over many heads, and also an Irish Peer. Mr Stanley, says the Nation called out for L^d Howe and would not be satisfied without him.

Your Lordships

faithful serv^t

MONDAY.

A. S. HAMOND.

SAME TO SAME.

ROEBUCK 9 AT NIGHT THURSDAY.

MY D^R LORD,

After waiting the whole day with the fullest expectations of seeing the Transports get under way to join me, and grudging every hour that was lost of so fair & fresh a wind, M^r Orde is just returned to me, and informs me that the Anna will not be ready until tomorrow evening. I confess this disappointment and delay is more than I have temper & patience to bear; therefore cannot help trespassing so far on your Lordship as to beg the favor of you to make enquiry into the cause of it, and satisfy yourself there has been no neglect of duty, or the ship encumbered with other goods than what your Lordship has been acquainted with. It is now five days since the Transports were ordered by y^r Lordship to take in the empty casks, and one of them is not yet clear of her cargo, which if she was under my command I should look upon as sufficient

cause of dismissal from the service or at least of turning the master out of his employment.

I beg pardon for troubling you so long on so trifling a business, but you must attribute it to the great uneasiness I suffer, at seeing three of the Kings Ships in a state of perfect inactivity at a moment when it is necessary to strain every nerve to its utmost exertion in prosecuting the war.

I am sorry there is no Pilot to be got for the Anna — however I will make a further enquiry thro' the fleet. I must also again request the favor of the draft of the River, which shall be returned when we come back.

Mr. Orde tells me he thinks your Lordship still means to accompany us.

I hope I need not tell you how happy I always am in having your Company, but should I be disappointed of that pleasure, I submit it to you, whether it will not be necessary for your Lordship to give Captain Leslie orders to put himself under my command. I am sorry to say that the disgrace of Gwins Island evacuation, hangs so much about me that, I cannot help thinking it necessary to issue *positive* orders where the 14th are to be concerned.

I have seen one of the Rebel lookout boats this afternoon that came down to look at us. I sent the Otter to chace her, but the former was too nimble & went off. The Otter & Ranger will sail up the River in the Night, & perhaps get above her: in that case we may stand some chance of seeing her again.

If, my Lord, there should be likely to happen any new delay to the Transport, why should not the Troops come on board the Roebuck, or on board the other Transport and the ship follow when she is ready?

I fear y^r Lordship will think me very troublesome & importunate, however you must on this occasion forgive me, as I am always, most truly & affect^{ly}

Your Lordships faithful, Hble serv^t.

A. S. HAMOND.

SAME TO SAME.

MONDAY.

MY LORD,

I have ordered the Fowey up to the Fleet to land her recruits, which seems to be a parcel of fine fellows. I have talked with Gatagan & Atkinson this morning, and find they have had a conversation yesterday with M^r Eden. The former say they can still raise a considerable number of Men, and hope to obtain Commissions from y^r Lordship according to the Numbers they shall bring: are willing to serve under you, but upon conditions that in case M^r Eden shall take an active part & chuse to put himself at the Head of the Tories of the Eastern shore, they shall be at liberty to go with him. I think these are terms your Lordship may *safely* accede to.

I have refused the Attorney Gen^l of Maryland permission to proceed in the sloop: and for forms sake will refer him to you. His pass is only from G. Tonym and has not the least scrape of a Pen from the secretary of State in England, or did he ever acquaint him with his intention of coming to America.

I shall be glad your Lordship will give Orders for my Marines to be embarked as the sooner the Roebuck gets away the sooner the Liverpool will be here which may now be in great distress & want of every kind of provisions. Your Lordship's most faithful & obedient humble servant.

A. S. HAMOND.

CAPTAIN BELLEW TO LORD DUNMORE.(Ship) LIVERPOOL, April 15th 1776.

MY LORD,

The Affair of the Sloop is settled, as I meant to have settled it on her return from a short Expedition; but the

Gentlemen being very anxious to get away soon, I have waved that scheme.

I know your Lordship will rejoice with me to hear of Captⁿ Hammonds recovery from a dangerous Illness. If the Tides would admit me to make sure of going & coming the same Day I could be easy at leaving the little ship at single anchor; hitherto, & now by long Habit, I cannot leave her in y^t situation. I wisht to shew your Lordship, Cap^t Hammonds Desire to have one of us with him, if your Lordship thinks the remaining one a sufficient security for this Place, will your Lordship do me the favour of your Opinion on that Head. He says, he expects the Rebel Fleet to return soon & thinks one ship is not enough to make the Destruction of the whole certain.

Would your Lordship likewise be so obliging to give me your Opinion on my taking a small Cruise up the Bay.

I suppose Captⁿ Squire informed your Lordship of two Shirtmen coming off to me here, one of whom came out in the ship with Lady Dunmore, they give me an Account of their destroying every Boat in their Power to prevent Desertion.

Inclosed is a Newspaper which possibly your Lordship has seen. And now I have to claim a Promise your Lordship made me on my leaving Norfolk, that of having the Honour of your Company to Dinner & give me leave to expect it to-morrow. I dare say Captⁿ Squire will most readily attend your Lordship.

I am apprehensive for the old Pilot Jo: White least he may be fallen into the Hands of the Philistines.

I have the Honour to be

Y^r Lordships most devoted

Humble Servant

HENRY BELLEW.

To His Excellency the Earl of DUNMORE, Norfolk.

[HUGH GRIFFITH TO] M^r GEORGE FINDLAY, No. 6 S^t MARTINS
STREET LEICESTERFIELDS LONDON.

MY DEAR SIR!

In my last I mention'd to you that we were going on a cruise which we performed but without success in the prize way, still cannot call ourselves unlucky as we escaped a very severe scowering in the Equinoxial gale during which we remained at Sandy Hook. Most of the Vessels that were out in the gale lost Masts & many their Guns. Immediately on our return here we were sent with a Convoy to Rhode Island to evacuate it, & the which we accomplish'd. Its a very pleasant Island and whether the quitting or keeping it is to advantage shall not pretend to say as it was ordained by wiser Heads than mine, only that I hope never to see a sight like it again for to any person of the smallest degree of feeling it was truly affecting, you scarce saw a face but what wore a melancholy aspect. Some who had given up almost their all by way showing their Loyalty, others who were staunch to their King & had declared their sentiments publickly were obliged to leave their property and trust to Providence, others to leave Family property & every thing thats dear to Man to the Mercy of a set of scoundrels who are capable of every Villainy, and others, who had great Families & had not been quite so violent, obliged to stand the brunt and hold a Candle to the Devil, and I can assure you there were some as busily employ'd in preying on those poor peoples misfortunes by amassing every thing the(y) could not carry at a very cheap rate or for nothing (they previously having prepared conveyance for them to York) by which means they have feather'd their nests tolerably well & made the Prov-

erb good (Its an ill wind that blows nobody good) On our arrival here we were order'd immediately for Sea & had the pleasure of being inform'd that instead of being commended for the evacuating Rhode Island so well that we had been acting the Comedy All in the Wrong, for the Express being sent in a little Schooner to countermand the same, she unfortunately fell into the Hands of the Rebels (& no duplicate of the same being sent) obstructed our keeping the place, which I believe we might as well have done. Understanding that the Daphne is not as yet sail'd and that she is just on the eve of going away and prefering that opportunity to the Packet will prevent my saying so much as I could wish. Please to make my duty to my Mother and let her know I proposed writing to her by this occasion but shall not have time. Let her know that I am very happy in the Company of my old Friend's young Morris's who are very kind and always desirous of seeing me at their Father's House, who I think looks as well as ever Pray don't forget me to Mr^s Morris, remember me to all my friends particularly and believe me to be

My Dear Sir,

Your most dutiful son,

HUGH GRIFFITH.

BLONDE, New York, Oct 30th 1779. /

Mr. GEORGE FINDLAY.

I can assure you I am ashamed that all my letters should be Hurried and so short but really our time is so here, and for the three last times I have been here, have not been twice on shore, no person being allow'd to go on shore. So goes on this grand hurly burly and to but little purpose.

LETTER OF JOHN CHALMERS, LIEUTENANT COLONEL COMMANDANT OF THE MARYLAND LOYALISTS.

NEW YORK, Aug^t 20th 1780.

DEAR SIR,

On my return from Carolina I was favored with your very obliging letter, I must confess that I received more pain than pleasure from your intelligent communication of the national discords *gravesque principum inamicitias*. Your just remarks on the national resources & finances are very satisfactory. We have long respected the abilities of Lord North and we cannot deny him firmness. His paying the interest of his late loan, by taxes scarce alarming to luxury is alone sufficient to rank him with the Colberts. His assurance that supplies for the ensuing year altho' more considerable than the present, can be raised with facility has given us great spirits. This declaration is alarming to the Insurgents who assured themselves that the Ministers could not raise the supplies. I think, Sir, you cordially agree with your discerning worthy patriot Pulteney that such opinions do as certainly prolong as they tended to create this unhappy war. Deplorable is your state of the factions; their petitions, associations & meditated Congress. Those demons of discord seem to exert their machinations, proportioned to the national success, conscious that such acts of parricide can only prevent a happy termination of the war. I cannot however suffer myself to believe that the nation is on the brink of rebellion. The unhappy example of America must deter from such flagrant acts of desperation all those who are not phrenetic or fitted to fish in muddy streams.

Doubtless you have your Richmonds, Wilkes's, Gordons and many thousand desperadoes up for revolutions; but

surely the majority will scorn, supinely to permit themselves, their Prince and country to be undone by the dregs of human kind. I perceive you have altered your opinion respecting the war in America, which you wish transferred to the West Indies. You seem to think the Revolted Colonies are not to be brought back to their duty; In which sentiment you are almost confirmed by the information of certain officers of rank and particularly by the testimony of Major General Grey. I acknowledge my surprize, as you must have seen *Letters to a Nobleman* by Mr Gallo-way which do honor to that gentleman's discernment and patriotism and will constantly remain an indelible proof against the evidence in question. In the sequel I hope Sir to convince you that you are in error and that the relied on testimony founded in misapprehension is generally if not wholly inconclusive. Were I not encouraged by your candor I would apprehend a degree of impropriety in submitting my opinion of public affairs even, Sir, to you. But I trust you will generously remember that I have had opportunities of acquiring information respecting the Colonies and that the existence of my numerous family depending on a happy conclusion of the war, I cannot wilfully mean to mislead or impose on your understanding. I hope you will not censure remarks because they originate from a person whose entire property being in the revolted Colonies may speciously be supposed to contribute his very humble mite to reinstate himself in his possessions even at the expence of Great Britain. I know that faction robed in eloquence has often asserted that the last reason destroys the degree of credit otherwise due to such Informants. This assertion, however, is equally cruel & unjust. An American Loyalist, in our days can have no interest distinct from that of Great Britain. He never can regain his property and consequence in American Independance nor discover new resources in the ruin of England. An Engineer, Commissary, Quarter Master general or other pecula-

tor, whose *legal* appointments do but suffice to subsist him, who nevertheless accumulates immense property, can hardly be said to be disinterested. Such must eminently possess *amor patriæ*, if not biassed in favor of those patrons from whom their rapid fortunes so recently originated. It is said they generally wish this country separated from G. Britain. No enquiries into their conduct or actions in such case could properly be instituted against them. No one is more assuredly an enthusiast for the honor, for the gallantry, for the humanity of English officers than your informant. But as an empire distracted by party, can we suppose that demon has not in some degree pervaded the Army? Men of fortune and family chiefly attain high rank in the Army. But genius, or even capacity, is not the indiscriminate lot of men of fashion. In quarters it is not impossible that certain of them, may devote their hours to the table and other fashionable *agrémens*. They generally possess ample fortunes, and accustomed to all the luxuries of Europe, it is imagined they regard America as a Siberia or exilement from their pleasures. It is alleged that such characters possibly may possess a meanness of pride seldom or ever attendant on true genius—a quality ever obnoxious to the attainment of information in America, where equality of manners renders such pride more odious than in any other country. If these men view a Gazette fabricated expressly for them —if they see a Livingston most speciously and boldly assuring the world that his militia would certainly endanger, if not destroy the King's Army on their route to Sandy Hook, they seem amazed, and conscious of their native truth, do hardly conceive that men exist who avoid no means however nefarious to effect their purposes. In short you may discover that the first descrip-

 A gazette containing the terms of the surrender of Savannah was struck off, and sent, via Sandy Hook, to a certain naval officer of high rank, who beyond all doubt is fitter for returning, than for commanding. Had the fleet destined for Charlestown remained two days longer at Sandy Hook, it would, I mean the whole armament, have perished miserably.

tion of men may possibly be warped by their interests and attachments and the last influenced by their passions & prejudices.

To return, Sir, to our subject, — I wish to see Great Britain acknowledged mistress of the Main, and even then employed one or two years, by her cruisers, in annoying the French settlements; at the end of which time their garrisons weakened by want and the climate, might probably be more successfully assailed than at present. I believe Sir, I need not inform you, that even the French possessions in S^t Domingo are more truly valuable than all the English West India Islands, and that I would not be displeased to see our group of Windward Islands ceded to an enterprising ally for aid to conquer that invaluable French settlement. Be this as it may the Inhabitants of these Islands — S^t Christopher's excepted — would be much more advantageously employed for themselves and their country in cultivating the inexhaustibly fertile plains of S^t Domingo than in painfully labouring their too generally ungrateful possessions. The obviously disadvantageous situation of these Islands requiring in war an immense force for their defence pleads strongly for their cession, if the supposed conquest takes place. In the interim if the war is prosecuted with some additional force in the Colonies and if France is not suffered to throw in considerable reinforcements, it must terminate happily in course of this and next Campaign. The Rebels certainly grow weaker, more friends to order daily arise, from their multiplied miseries; and the people generally are averse to the French alliance. The gentleman at the head of the army convinced that the country contends for her all, is, I verily believe fully bent to terminate the war speedily and gloriously. Their pretended currency is no more; the Bayonet now extorts supplies, and Provinces, wont to export much grain, with great difficulty furnish their quota of provisions to their Army. It certainly does not

exceed 5500 men; even after great exertions comparatively few militia can be assembled, and fewer yet would appear, if serious measures were in agitation; perhaps few circumstances in war are more liable to misrepresentation than military numbers. In this instance candor is often susceptible of imposition. The number of men paraded at a review, is almost always exceeded in the opinion even of officers present. No wonder then, if a person unaccustomed to troops is misled on this subject. The Rebel chiefs perfectly sensible of these circumstances, exhaust every art to establish an opinion that their armies are numerous, which better promotes their purposes (as matters have been circumstanced) than if they effectually possessed Armies which they could not maintain. To illustrate this matter you are to remember that Virginia furnished fifteen battalions. Two were sent in 1778 to Charlestown, and the remaining thirteen, reduced to three last winter, were also sent to that place. On their surrender, they composed from 850 to 900 men. This, Sir, is a very just emblem of the remaining battalions. Virginia certainly was as able to recruit her Regiments as the other pretended States. This suffices to prove their loss of men during the war and may truly intimate that their armies never can be recruited in this country which never contained half the three millions insidiously ascribed to it by Congress. In America, the order of men, emigrants excepted, destined to fill armies lived too happily and equally to be charmed with the life of a soldier. At this time in New England, twenty men sooner offer for cruizers, than one for a continental regiment. Finally on this subject, which has been most unhappily misunderstood, to avoid imposition, it requires a certain strength of mind, joined to a knowledge of the infinite frauds and stratagems practised by the Chiefs of Rebellion, to give plausible credibility to their varied and numberless impostures.

You seem to reply that many similar intimations announc-

ing the extreme weakness and misery of the Revolters are daily obtruded on the public, and that as the predictions never became realized they probably flow from over-heated imaginations. Nothing however is more certain than these reports are generally well founded. Dispassionately recal events and you must acknowledge that the consequence of the Insurgents has principally arisen from a combination of circumstances which no human foresight could have foreseen and that it may now be said to depend on their Allies the murderers of the British Constitution and on the French nation.

No country of equal extent is more vulnerable than America, to a power possessed of the Sea. Early in Summer, the winds favor operations to the New England provinces, where even a moderate body of troops could destroy all or most of their seaports, and so powerfully harrass them as to prevent their raising Crops, which, circumstanced as they now are, would alone suffice to compel them to submission. Every rational American now perceives, that his country is not mature for Independance ; consequently that he must depend on France or England and that the last connexion is natural and every way preferable to the first. Wherefore when proper measures can be pursued, such enthusiastic conduct as heretofore will probably not be seen even in New England. On this occasion I expect to be reminded of the great strength of New England, and the loss of the Canada Army by 18.000 veterans of that province. I would reply that in this instance faction overshot its aim ; for if Gen^l Burgoyne surrendered only 2000 fighting men, (and according to his evidence his Auxiliaries do not merit that description) 18000 veterans derive no credit from that event. The truth is that the New England men were not nearly so numerous, and, humanly speaking became victors by the continued blunders of Gen^l Burgoyne, who, notwithstanding the capital error of not being supported by the North

River, nevertheless might have maintained his ground. This circumstance is strengthened by the then consternation which prevented the Militia from arming, which cause unhappily was soon removed by his inexplicable conduct. This and other melancholy facts are well known to every sensible man in New England, and will be manifest to the world, soon as the Revolters may acknowledge truth without injuring their present views and pretensions.

If we view the Southern Colonies with attention, we will acknowledge their certain return to their duty, if Great Britain is not wanting to herself. In these colonies, property, in the manner of the West Indies is very unequally divided. Very many of the indigent settlers recently from Europe, in every sense oppressed by the present anarchy are truly attached to their parent state. The province of South Carolina may be said to be owned by 4 or 500 *Primores* who in their lust for dominion forgot that even in the beginning of this war, a law then in full force compelled them when at divine service, to appear armed that their slaves might not embrace the opportunity of exterminating them. Gates with about 600 of the Maryland and Delaware line is in North Carolina where he may assemble 2 or 3000 men, and for some time trouble the Province.

Virginia is every where open to insult. The rivers are large, deep, and, intersecting the most valuable portions of the Province render them different peninsulas. The numerous slaves are averse to their owners. The militia, few comparatively from their extended plantations cannot readily be assembled or defend their Province. A small body of troops marched from Petersburg opportunely will end or greatly tend to finish rebellion in *North Carolina*.

The adjoining Province of Maryland,* especially the 13

* At this time (1780) there certainly are 12,000 non Jurors in Maryland, and a much greater number in Pennsylvania. In Somerset County, Maryland, an insurrection at this

counties of the Peninsula formed by Chesapeak & Delaware is by its maritime situation and variety of happy circumstances excellently adapted to be possessed to shut up Delaware River and to command Virginia.

If according to Gen^l Grey this is a war of posts, the last mentioned district is, *unquestionably*, the first post to be occupied by Great Britain in America. It incontestibly injures rebellion more than the loss of any other province, and proportionably increases the resources of Great Britain, by supplying amply her West India Islands, giving bread to all her Armies & Navies and the attainment of the Commerce of the Chesapeak more consequential at this period than all the remaining commerce of the Revolted Colonies.

Deprived of these valuable Provinces, the Revolters in effect must depend on New London for external supplies & on part of Pennsylvania & New Jersey for Provisions. Most certain it is, that the New-England Provinces never produce sufficient grain for the Inhabitants. — The rebellious part of New York, at present affords little Indian corn or wheat. Jersey in tranquil times exported no considerable quantity, and it is a truth most evident that a large share of the provisions, formerly exported from Philadelphia, were previously extracted from Virginia, Maryland and the Delaware Government.

It is therefore obvious, that possession of the Peninsula must reduce the Rebel armies and New England Provinces to depend on part of Pennsylvania & Jersey. Now, it is notorious, that the last province hardly maintains its Inhabitants, and that Pennsylvania, disabled by the recited causes, cannot long sustain their Armies and Naval Armaments. If the contrary is even admitted, the farming part of Pennsylvania & Jersey may be ruined with more facility, than is

hour is hardly quelled. They have killed their Collector of taxes, which they refuse to pay. In short, a doubt cannot remain, but a militia might be formed to preserve tranquillity in the Counties, and that a number might be armed to guard the Isthmus, provided the measure is permanently adopted.

apprehended. A strong post on the neck of the Isthmus might constantly awe, vex and ruin Pennsylvania by occasionally penetrating into its best counties, when favored by the co-operating army from New York ; which army it is conjectured might surely disperse Washington's army, if it deserves that name, or ruin about forty miles square of the Jerseys. Either of these points attained, Rebellion in appearance must expire, for we cannot readily suppose that France would pour armies into Provinces which could not maintain their own levies. If mistaken humanity revolts at the temporary ruin of part of these Provinces ; the sufferers, especially the Loyal ones, might be settled and cherished in part of the Peninsula.

This mistaken tho' generous principle, if pursued, will eventually ruin Great Britain as certainly as it did her brave unhappy first Charles. God forbid that I suggest that cruelty, which next to the Parliamentary opposition has been the firmest prop of Rebellion — that detestable principle which invariably condemns to death the unhappy generous Loyalists for virtues honorable to human nature. Horrid abuse of power, the dread of which pervading all ranks is the only temporary soul & spring of their wretched obedience. Most certainly, sublime policy exacts that Great Britain should not constantly absolve the foulest crimes, since imaginary ones daily cost Her generous subjects their lives. The ungrateful unprincipled Rebel is in no pain for his life or estate, is dazzled by Empire and its imaginary lustre and as it were bribed to oppose government & to punish its friends. Unhappily the unfortunate Loyalist, having every thing to apprehend, is almost precluded from hope, being by the Conciliatory Acts almost equally certain of ruin in the victories as defeats of his country. The criminal part of the Militia, easily ascertained, are infinitely more guilty than the Continental soldiers, often deluded into by want, fraud or youth and therefore ought to be sent to visit the Forts in Africa or

the East Indies. One or two examples would render such severity needless in future.

Nor should Great Britain dread for her prisoners but eternally remember that timidity as certainly attracts insult from men insolent in prosperity as dejected in adversity, as magnanimity insures respect. A doubt cannot arise but that the very gallant Major Hamilton (and I hope many others) would glory in the example of Regulus if essential to their country's safety.

In exchange of prisoners, the Rebels invariably mask their native perfidy. To release British troops for their wretched bands, they well know is to give great value for little consideration. Therefore it is humbly apprehended, that the prisoners should be incorporated with the Kings troops in the West or East Indies. The Prisoners, especially the Europeans by far the greatest number would think their conditions highly improved by this measure, which indeed would more effectually deter natives from the service than any other expedient.

If to these obvious truths you oppose interested informations or the passionate declamations of factious men, you would, Sir, do well to remember that early in 1778, they declared that the Kings army in Philadelphia was in danger or rather certain to share the fate of the Canada Army — that no number of troops to be spared from home defence were sufficient to reduce the *invincible* colonies to reason &c. &c. — Since that period this Army has been weakened by detachments to S^t Lucia, Pensacola, Georgia, to Carolina, Halifax and Quebec at least 19 or 20,000 men. For the recruits of 1779 did little more than supply casualties of every nature, since the abandonment of Philadelphia — Now the Army thus weakened, was so far from being captivated that the part thereof remaining last winter at New York and its numerous dependencies cannot be said to have been insulted although the severity of the winter, by the ice, offered the most favorable opportunity

that could have been wished. Incontestible proof of their weakness. Nay, this pretended formidable Army daily insulted by the garrison, was on the point of losing its Heaven-born General, who in all probability had graced New York with his celestial presence, if his kindred skies had not sent a well timed fall of snow to disconcert the well concerted enterprise. I repeat that the Army thus weakened, in all human probability, was equal to suppress the rebellion, if France had not this year interfered. That this truth was dreaded by the Leaders of the Rebellion is most manifest by their calling [in] French troops; an expedient so odious to their prejudices & pride, so generally execrated by the people that extremity of danger or insanity only have produced it. That such event was regarded as inevitable, is, and ever will be acknowledged by the most considerate in and out of the Lines. It is moreover confessed by the Declaration of the Congress of the 28th of March to the pretended States, and lately has been explicitly recognized by the extraordinary proclamation of Reed titular Governor of Pennsylvania. That the affair was not thought remote may be inferred from Gen^l Knyp-hausen's late march with his small army into Jersey and that very *Competent Judge* perhaps had signally eclaireized this matter, if the intervention of foreign *circumstances* had not induced the Commander in Chief to postpone operations for the present.

I shall conclude my letter with certain brief remarks on Major General Greys evidence, the inutility of which I am really amazed you did not discover. The general seems to forget that the Middle & Northern colonies in spring almost every where afford fields of green wheat, or at least rye,—and abound with dry Fother and Oats &c. — He thinks that the Southern operations were much preferable to removing the seat of the war to the banks of the North River &c. &c. (as may be seen in his evidence.) In answer I reply that for the honor of General Grey, I do

most sincerely believe that he was utterly unacquainted. The rebel armies in Jersey in 1777 never exceeded 8500 or 9000 men indifferently appointed & disciplined. This truth is notorious by many incontrovertible circumstances. Indeed on their march through Philadelphia to Brandywine they were numbered by different respectable Loyalists appointed to that end. The state of Washington's army which at one time this spring did not exceed 3800 or 4000 men, strongly declares this truth. They have sustained little more loss than the recruiting service made good. Now if their armies were then so numerous how shall we account for their present weak state? That the considerable naval & land force at the command of Sir W^m Howe incontestibly at all times gave him the command of the North River, and had he fortunately detached even one fourth or fifth of his Army to the Canada forces nothing seems clearer in human affairs than that Gen^l Burgoyne had saved his Army and perhaps given law to New England. Indeed one third of his army as numerous as Washington's was surely sufficient to block him up at West Point or prevent his crossing the river, which prudence deterred him from doing. But admitting Gen^l Howe with three fourths of his Army had advanced, even to Albany, and Washington had crossed the North River, I believe that no reasonable person can imagine that he would have attacked New York, or that in case of such temerity he would have succeeded against a place defended by a vast naval force garrisoned by 5 or 6,000 men, supported by a considerable number of loyalists. What acts of prowess previous to this affair had Washington displayed to warrant or even create an opinion that he would have succeeded in a much less arduous affair. Surely it was not the battles at Long-Island or White plains, nor the affair of Fort Washington, nor his bloodless and certain surprise of Trenton, nor the impotent attack of his army on the 17th Regiment of 300 men near Princetown.

The attack, says the General, at Middlebrook was utterly impracticable; the innumerable posts and number of defences which forbid such attempt and the making our way to Philadelphia without giving a decisive defeat would have been foolhardiness &c &c. The first part of the sentence is not explicable; but Sir Henry Clinton's march through the Jerseys conclusively answers the last part of the sentence.

Unfortunately an unhappy belief that the Rebel Army was as numerous as artfully suggested and perhaps recollection of the obstinacy at Bunker's Hill (the attack on which was as unhappily ordered by Gen^l Gage, as if directed by Congress) probably induced General Howe to abandon the Jerseys. Had he known the real state of Washington's army he could have destroyed it either by action or by blockading it into surrender which he could have done with two thirds of his Army whilst the remainder had destroyed the Jerseys. Indeed Washington had prepared batteaus to pass his Army over the Delaware at Cornels & Howard's Ferrys, and would have retreated soon as he had perceived General Howe in earnest to engage; but such retreat would have been equivalent to defeat for 6 8^{ths} of his army being emigrants, forced into the service by every sort of misery and fraud would then have safely deserted in companies as they have often since done in defiance of hazard. No new position as has been falsely alleged could have endangered the safety of New York. By whom was it to be besieged? By the New England men replies folly or design to Simplicity. The answer is that if they, when encouraged by Sir William Howe's absence in the Chesapeake, found infinite difficulty in oppressing 2000 men at Saratoga, they would not unaided by a miracle have taken New York garrisoned as asserted. To this siege they must have marched with their artillery (if possessed of ordnance) nearly 200 miles and in roads rocky & mountainous.

No time, continues Gen. Grey &c. &c., and the only probable means of success was to land at the head of Elk at Chesapeak and not in Delaware. In answer to this most singular assertion, let us suppose an ignorant Minister had ordered Sir William Howe to proceed to head of Elk via Chesapeak and from thence commence his operations. As the inutility of embarking to proceed to Pennsylvania instead of proceeding from Brunswick about 50 miles to Red bank near Philadelphia has already been judiciously exploded, I shall content myself by observing that the General ought to have held the following language on his approaching the Delaware. “ At this season a trade wind constantly opposes the passage of all fleets to Chesapeak, more especially of a fleet composed generally of Colliers and it probably may protract their passage, until overwhelmed by the dreadful storms, peculiar to this coast early in September, & even sooner, (as Lord Howe’s fleet the following 10th of August experienced). I will therefore put into Delaware. A continued plain stretches from its Capes to Wilmington in any part of which aided by my ships of war I can land the troops in defiance of the first Army in Europe commanded by the King of Prussia. These facts, he would have added, are unknown to the Minister, to whom I aver on my honor, that Newcastle is but 15 miles from Head of Elk and 10 miles to Couches mill (from whence the first resistance was made, if it deserves that name); and I do moreover aver on my honor that in this distance of ten miles from Newcastle to Couches mill, General Grey would not be able to water his horse unless he ordered it from a well. I will therefore land at Newcastle and by an easy march will reach Head of Elk, from which place, I will commence operations in obedience to orders, which it seems have in contemplation the avoiding of 9 creeks and rapid streams 8 of which do not exist but in imagination. I am therefore justifiable on every principle of reason to break the Min-

isters orders which by the length and danger of the voyage, promises to destroy my horses, protract the campaign, encourage the New Englanders to arm and in every other sense to injure the king's service." I shall not insult your understanding in supposing you so egregiously weak as to conceive danger from Gallies, fire rafts and such nonsense, or creeks and streams, none of which as suggested exist, save the Schuylkill, which may be passed in many convenient places under the fire of the Artillery and without loss. The sequel notoriously proved the futility of these bugbear dangers. Certainly the Rebels were as much interested to destroy our shipping when besieging Mud Island Fort as on any other occasion; nor were their efforts wanting, but in that instance produced rather derision than terror. I have not sufficient experience to admire, with General Grey the greatness of the manœuvre at Brandywine, but I must ever believe that on that occasion General Howe perfectly knew his enemy else he would not by a long and circuitous march have exposed General Knyphausen's division of 6000 men to be cut in pieces by Washington who undeniably had the finest opportunity with his whole army to assail that body for several hours, during which attack no manner of aid could have been derived to it from Lord Cornwallis's distant division. If as General Grey affirms Washington's army was 16000 veterans, and was not a contemptible enemy, why did they forego so glorious an opportunity of combating a force so comparatively trivial? If such an army as described by General Grey in high from our retreat from Jersey, possessed of the strongest ground, considerable artillery and other advantages, on the day which ought to have decided their empire, fled after sustaining little loss & destroying only 68 of their enemies, for Gen^l Howes returns ascertain the number, — I appeal to your judgement, to your honor, if it has the most distant pretensions to General Grey's eulogiums?

Charmed as the General is with the manœuvres at Brandywine I perceived one which gave no satisfaction. About sunset, he advanced with his command, the reserve, to the village of Brandywine, and I believe soon after received orders to encamp to the right of a wood distant about half a mile from Head quarters. Immediately on getting to his ground a most tremendous fire, well supported was made on the unoffending wood which had not lodged one Rebel for two hours before this spirited attack. Indeed there was not one Rebel within 6 miles of the wood attacked with such ardor. To us who have not *served in Germany*, this manœuvre did not seem to merit uncommon applause. Nor can we really discover the events which warrant his encomiums on the spirit and skill of the Insurgents. It was not at Brandywine nor at his trifling affair with Wayne which surely discovered no skill on their part and I am sorry to add, no humanity on his. Nor, with due deference, is the affair of Germantown, tho' so much extolled, proof in point. He forgets, or affects so to do, that they were not pursued at Brandywine and as they suffered little, it cannot be thought extraordinary that, soon after, they ventured to attack, by surprize the Kings army, when very considerably weakened by the grenadiers being in Philadelphia and several excellent regiments in Jersey. Yet notwithstanding all these great advantages the Insurgents were repulsed with disgrace after a feeble attempt.

I can by no means reconcile, to General Grey's candor, his affirming that the disposition of the people of America is unfriendly towards Great Britain. After the unfortunate passage to Head of Elk when horses & cattle became so necessary, they were obtained without firing one shot. If the proprietors had been enemies, they had only to have removed the stock a few miles to a place of the utmost safety. On the route to Philadelphia the inhabitants (save for a few miles near Elk) almost to a man remained at their

habitations and ordinary avocations and most liberally supplied the King's troops with provisions. On that long and naturally strong route not one musquet, was fired by the inhabitants who on every occasion gave unequivocal proofs of their Loyalty, as you may clearly perceive by M^r Galloway's very judicious testimony & letters.

I must observe that if Gen. Grey regards America as extremely unfavorable to the operations of war, in what view will he consider the West Indies, a country of inaccessible mountains, a climate so mortal to troops that had the Havanna resisted a few weeks longer, the victors could not have taken possession of its gates; — a climate in every sense so destructive of men, that a Roman army, under a Pompey or Cæsar had there almost forgot to be *patiens pulveris atque solis*.

Finally Sir, I think you cannot but perceive that the testimony you so much esteemed, is, as asserted, founded in error, nugatory, delusive, groundless.

I ardently wish you, Sir, to observe that justly venerating General Howe as I do, I never can presume ungenerously to suppose that his errors were of the heart. No, many of them were generated by difficulties in some degree arising from this unhappy and singularly circumstanced war. Remember, Sir, the innumerable misfortunes and even national disgraces sustained with Roman fortitude during the first years of the last war. If an unrelenting cruel faction had then existed, ardent to chain the springs of Government, to debase the national spirit and by every flagitious art to rouse, animate & augment her enemies, Great Britain had ceased to be an Empire. In 1738 when Jenkins, mutilated by a Spanish Corsair presented himself before the House of Commons, every member of that illustrious body exclaimed Revenge! At this unhappy era, Faction would depress & erase every Idea of National honor virtue and spirit. It seems unmoved or rather gratified by seeing a Col^o Campbell or Hamilton buried in

chains in the dungeons of these unprincipled men whom they have created. They are torpid and unmoved at the sufferings, poverty, exilement and death of thousands of their virtuous fellow subjects. Indeed such is the arrogance & cruel refinement of Faction, that they upbraid these very unhappy men as pensioned mercenaries eager to combat alternately as interest dictates.

Nevertheless they have too much patriotism and magnanimity to derive the least consolation in the cruel reflection, that even many of their enemies soon must be involved in equal misery, from the certain catastrophe awaiting the Constitution, if America is lost, which can only happen in consequence of a continuation of their criminal conduct.

Anxiously, my dear Sir, expecting to hear from you, I ever remain with the utmost sincerity and respect

Your obedient
humble Servant

J^d CHALMERS

L^t Col^l Comd^t Maryland Loyalists.

NEW YORK, Aug. 23^d 1780.

[H. GRIFFITHS] TO MR. GEORGE FINDLAY, NO. 6 ST. MARTINS STREET, LEICESTERFIELDS, LONDON.

MY DEAR SIR,

I did myself the pleasure of enquiring after your health and my Mothers the latter end of last Month. We have had odd Work here. General Arnold the *Rebel Chief* has joined us openly. He has been inimical to the American cause sometime. He corresponded with Gen^l Clinton for a long while. One of the deepest schemes ever known was laid between them, which by the most unhappy accident was discovered within a few hours of its crisis, that would

have been the overthrowing of the revolted States. The French having a Fleet and Troops at Rhode Island, an Expedition was embarked and wisper'd destined for that Place. Washington got scent of it, and knowing the weakness of the French, was on the eve of Marching to their reinforcement leaving Arnold with the Command of the North River where their chief Magazines are, and when Washington had got a proper distance, the Transports were to push up the River with Troops on whose approach Arnold was to Surrender the Garrison & Forts &c. [by which means we should cut off the communication between the Northern & Southern Provinces, opened one for ourselves through Albany into Canada.] Gen^l Clinton, to make the matter more compleat, sent out a Flag by a very Trusty Officer (& one of an unblemished Character) who, it was reported, went to settle the Exchange of Prisoners, but by the bye to spy the Market. He had a conference with G. A. from whom he procured a pass and being rather too Sanguine for the welfare of his Country disguised himself and exceeded the Gen^{ls} intention, but accomplished his own by making himself acquainted with the Strength of their Camp, through which he passed & made minutes of every thing he thought requisite, but unfortunately within a few miles of his return, he was discovered & searched and the minutes with other Papers found on him, by this unlucky accident the Plot was blown. Arnold made his escape from them, the Light Horse was just ten minutes too late after him. Poor Major Andrie who was the Officer sent was try'd and being above telling a Lye when his Life was at stake frankly owned that he came out as a Flag but when taken was a Spy, his Eloquence had such an effect on many of the Court that when his sentence was pronounced they shed tears lamenting the fate of so great a Man which the laws of war had condemned to die. His Oratory & steadfastness (its reported) late years have not seen before and is to be equalled only

by some old Roman Stories we read of. Every method was taken to procure his existance; Gen^l Robertson the Commandant with the Principal of the Council went out with a Flag, but to no effect, nothing but his forfeit life would serve. He has died a sacrifice to his Country, & tho' an Ignominious Death, an Honor to it & his Connections, loved & esteemed by those who knew him and admired by those that did not. Thus ends the Life of a great Man. Gen^l Arnold is made a Brig^{dr} in our service. He has published a Memorial to his Countrymen in behalf of the step he has taken. It is very long or I would send it you. We are going on a expedition, I believe, to the Southward. The Troops are embarked *who* vow Revenge with Vengeance on those who fall into their Hands for Andrie's Death. The first news you hear of the expedition expect a great Carnage. When the account arrived at York the Soldiers lips vibrated Andrie Andrie & the street reechoed Vengeance with the Bayonet to the sons of Rebellion. I must now conclude, with my Duty to my Mother & beg you to except of the same from

My dear Sir

Your Most dutiful son

JOHN HUGH GRIFFITH.

BLONDE NEW YORK 11 Oct: 1780

Our first Lieutenant M^r Doun is going home, a worthy Man who has been very Civil to me, not only as a mess mate, but a friend, in advising me at my first embarking. On my giving your address he has promised to call on my mother when he goes to London, which I suppose will be some time after his arrival, as he resides in the Country & has not seen his family for near 4 years. He says he will let you know how I go on.

Let me intreat you Sir to use all your Int'rest for me in behalf of an Adjutancy, as I know you are my friend & wish to serve and this is the time or never.

CAPTAIN WEST CAMPBELL TO ———.

SIR,

Agreeable to your request of knowing how I was treated when taken prisoner at Moots house. After being obliged to surrender at discretion, owing to the houses being set on fire — when I ordered the Chamaud to be beat a Continentall officer with a file of men mounted the parapet one of them made a push at me with his bagnet (*sic*) which I parried off and sprung over the works when I was met by Doctor Irven of Lee's Legion (*sic*) who behaved with all manner of politeness to me and the rest of the British and Hessian officers who had the misfortune to be taken prisoners at the same time. Doctor Irven asked for my sword, But on my expressing a wish to deliver it to Lieu^t Col. Lee I was conducted to that Gentleman who I acquainted that I was his prisoner and had reserved my sword from Doctor Irven as I wished to deliver it to him and that I expected to be treated as an officer and a person who had done his duty. He addressed me in a very unpolite manner, told me to deliver my sword to a Serg^t of his on which I threw the sword from me. He then told me that the insolence of the British could not be put up with and desired that I should prepare myself to be made an immediate example of and assigned for his reason that I was guilty of insolence and obstinacy in not giving up the post sooner — I told him I had only done my duty and that my Country would revenge insult offered me or any other British officer his prisoner on which I was ordered to be conveyed off by Doctor Irven who behaved to me with his usual politeness — I remained two hours in Confinement every minute expecting my fate when Col^l Lee sent for Lieu^t McPherson and myself. We remained one hour and a half at his door

when he came out and Informed us that he would at present forgive us but if ever we would exceed our duty (as he pretended we had don) that we might expect to receive the execution of the threat that he formerly threatened us with — from that time we were treated with the greatest politness by all the Continentall officers and by Gen^l Green in particular.

It gives me particular uneasiness to find from a Corprall of my Comp^{ny} that two of the Militia were hanged without any reason being asigned for it, but their being well affected to goverment. I remonstrated with Col^l Lee on the subject he blamed Gen^l Marian, I was afterwards informed that Gen^l Marian threw all the blame on him for I had no opertunity of seeing Gen^l Marian afterwards.

I am Sir

Your most ob^t & most
hum: Serv^t

WEST CAMPBELL
Captⁿ 81st Reg^t

CHARLESTON 12th August 1781.

To Mr. ———.

STATEMENT OF CHARTERS TO PLYMOUTH AND TO CAPTAIN
JOHN MASON.

Nov. 3^d 1620 King James y^e 1st Grants to y^e Council of Plimouth all y^e Lands in New England between Forty & Forty eight degrees of Northerly Latitude in Breadth & from y^e Atlantick Sea on y^e East part to y^e South Sea on y^e West part in Length.

2. The latter end of y^e same year or in y^e next (for y^e accounts differ) the Council grants to Capt. John Mason that Tract of Land beginning at y^e mouth of Salem River & up s^d River to the head thereof & then from y^e mouth

of Salem River afores^d along y^e Sea coast to the mouth of Merrimack River & then up s^d River to the furthest Head thereof but gives him no Head line.

3. The Council of Plimouth by their Deed Dated March 19 1627 Granted to Sr Henry Roswell &c the undertakers to bring forward a settlement in y^e Massachusetts Bay all y^e Land from three miles South of Charls River & three miles South of any & every part of it, on y^e South part to three miles to y^e Northward of Merrimack River & to the Northward of any & every part of it on the North part & from y^e Atlantick Sea on y^e east part to y^e South Sea on the West part.

4. These Adventurers finding themselves weak as to Jurisdiction applyed to King Charles the first the then Reigning king for remedy who by Letters Patents Dated March y^e 4th 1628 makes them a Corporation, in those Letters he refers to y^e afores^d Deed of y^e Council of Plimouth by a Large & particular recital of y^e contracting parties & of y^e Date & y^e particular Boundaries & expressly confirms y^e s^d Deed.

5. Sometime in y^e year 1629 the before mentioned Council of Plimouth granted to Capt. John Mason all y^e Land thus described & bounded vid. beginning at y^e mouth of Merrimack & up s^d River to the furthest head thereof & thence Westward into land whilst Sixty miles were finished from y^e mouth aforesd & then beginning at y^e s^d mouth & running alon(g) y^e Sea Coast to y^e mouth of Piscotaqua River & throug(h) the same up into y^e River Newichwannock & to the furthest head thereof & thence Northwestward into Land till Sixty miles are finished from y^e mouth of Piscotaqua River aforesd & from y^e end of y^e last mentioned line to cross over Land to y^e end of y^e first mentioned Sixty mile Line.

6. Sometime in y^e year 1635 the same Council of Plimouth grants to Capt. Mason all y^e Land beginning at y^e mouth of Salem River & thro y^e same to y^e furthest head

thereof & thence Westward into Land till Sixty miles are finished & then from y^e mouth of Salem River along y^e Sea Coast to Piscotaqua River & thro that into y^e River Newichwannock & thro that to y^e furthest head & thence Northwestward into Land till Sixty miles were finished & to cross over Land to y^e end of y^e other Sixty mile Line.

The Corporation of y^e Massachusetts Bay considering y^e Northerly course of y^e Inland part of Merrimack River & also those expressions in their charter w^h gives them three miles North of Merrimack River & three miles to y^e Northward of any & every part thereof & also those other expressions, all Lands within the Limits aforesd North & South in Latitude & breadth & in Length & Longitude throughout y^e main Land from Sea to Sea — extend their Jurisdiction as far as an East & West Line laid three miles North of y^e most Northward part of Merrimack River which swallowed up all Mr. Masons Lands his heirs complained of this usurpation & y^e matter came to a tryall in y^e year 1677 King Charles y^e 2^d & y^e Privy Council then expressly set aside that construction of y^e Massachusetts Deed & charter & determined that y^e North & South boundaries of y^e Province was to follow y^e course of y^e Rivers as far as y^e Rivers went.

M^r WALKER at M^r Curries in S^t Martins Street
Leicestr. fields.

STATE OF THE CHARTERS OF NORTH AMERICA.

The Charter to Maryland was passed by which the Province of Maryland is vested in Propriety to Lord Baltimore and his Heirs and free and common Soccage with very large and ample powers and (inter alia) a power of calling an Assembly to consist of the Representatives of

8 Car. 1.

the People of that Province to be elected for that purpose, and with their advice & assent to pass all manner of Laws whether relative to the publick State of the Province or to the private utility of the Inhabitants so as the said Laws were consonant to reason and not repugnant nor contrary, but as near as conveniently could be agreeable to the Laws Statutes and Customs of England.

With power of erecting Courts civil and criminal, and of punishing Criminals with loss of Limb or Life — With power to the proprietor to make Ordinances during the recess of the Assembly under the like restriction as their Laws were subject to, but so as not to affect Member, Life, Freeholds, Goods or Chattels — With a power to Erect Castles and other Fortifications and appoint Captains thereof and to form Camps for the public defence.

And whereas in so distant a Country scituate near so many barbarous Nations incursions might be apprehended as well from the Barbarians as from other Enemies, Pirates and Robbers — Therefore full and ample power is given to Lord Baltimore and his Heirs by themselves Captains or other officers to levy muster and train all the Inhabitants in Martial array and to make War and pursue the Enemies and Robbers aforesaid as well by Land as by Sea that should invade those parts and to pursue them even without the limits of the said Province, and to Vanquish and take them and being taken to put them to death by the Laws of War or to save them of their pleasure, and to do all other things which unto the charge and office of Captain General of an Army belongeth or hath accustomed to belong with powers to suppress Rebellions, quiet Tumults or seditions, and to punish Mutinies and desertions and inflict Military discipline on Delinquents by Military Law in as full and ample manner as any Captain General of an Army by virtue of his office could or had accustomed to use.

is incorporated — consisting of Governor, Deputy Governor, 12 Assistants and Freemen, and the General Assembly — It consists of the Governour, Deputy Gov^r, Assistants, and two Freemen Elected from Each Town, who are required by the Charter to meet twice a year — and the Governor, Deputy Governour, Assistants and all the Officers of the Company are required to be chosen annually.

They have likewise a power in their General Assembly of passing all manner of Laws, Statutes &c, not contrary to the Laws of the realm of England.

With power to the Chief Commanders, Governors and officers of the said Company for their special defence and safety to assemble Martial Array, and put in Warlike posture the Inhabitants of the said Colony & to commissionate, empower and authorize such Persons as they shall think fit to lead and conduct the said Inhabitants, and to encounter, expulse, repell, and resist by force of Arms, as well by Sea as by Land, and to kill, slay and destroy by all fitting ways enterprises & means whatsoever all such Persons as shall at any time attempt or Enterprise the destruction, invasion, detriment or annoyance of the said Inhabitants and Plantations and to use and exercise the Law Martial in such cases only as occasion shall require, and to take or surprise by all ways and means whatsoever all such Persons with their Ships &c. as shall in Hostile manner invade or attempt the hurt of the said Company and Inhabitants — And upon just Causes to invade and destroy the Natives or other Enemies of the said Country.

Rhode Island Charter was granted, by which the Inhabitants of this Colony are Incorporated by the name of the Governor and Company of the English Colony of Rhode Island and Providence Plantations — And this Company consists of the Governor, 10 Assistants and of the Freemen, and a like power is vested in the General Assembly of this Colony to pass Laws as is given to the Colony of Connecticut,

15 Car. 2.

And power is given to the Governor and major part of the Assistants at any time when the general Assembly is not sitting to nominate, appoint and constitute as many Commanders, Governors and Military Officers as they shall judge requisite for the leading, conducting and training up the Inhabitants of the said Plantation in Martial Affairs and for the defence and safeguard of the said Plantations.

And it is declared to be lawfull for every such Commander Governor and that shall be so as aforesaid or by the Governor, or in his absence the Deputy Governor and 6 of the Assistants and major part of the Freemen present at any General Assembly appointed according to their Commissions and directions to assemble, Exercise in Arms, Martial Array, and put in Warlike posture the Inhabitants of the said Colony for their Special defence and safety and to lead and conduct the said Inhabitants and to Encounter, Expulse, repell and resist by force of Arms all Invaders, in the same Words as the Connecticut Charter.

33d Car. 2.

Pensylvania Charter was granted in propriety to William Penn Esq^r and his Heirs in free and common Soccege with the like powers of Legislature vested in the said W^m Penn and his Heirs and the Freemen by their Representatives in Assembly as is by the Maryland Charter vested in Lord Baltimore and the Inhabitants of that Province, with a like power to the said W^m Penn & his Heirs to make Ordinances in the Recess of the Assembly.

With like power to the said W^m Penn and his Heirs by themselves or Captains or other their Officers to levy muster and train all sorts of Men in the said Province and to make War and pursue the Enemies in the very same Words as in the Maryland Charter.

3 William &
Mary.

Massachusetts Bay Charter reciting former Charter 18 Ja. 1st This Company consists of a Governor, Lieutenant Governor, and Secretary to be appointed and commissioned by the Crown and 28 Assistants or Councillors to be chosen annually & by the general Assembly and to be advising

and assisting to the Governor, and the Gov^r and 7 of the Assistants are made a Council for the ordering and directing the affairs of the said Province.

The Assembly consists of the Gov^r and Council or Assistants & of the Freeholders Elected to represent them, two for Each Town.

This Assembly is vested with the same full power of Legislature as the other Colonies.

And it is granted established & ordained by this Charter that the Governor shall have full power by himself, or by any Chief Commander or other Officer or Officers to be appointed by him from time to time to train, instruct, exercise and govern, and for the special defence & safety of the said Province to assemble in Martial Array and put in Warlike posture the Inhabitants of the said Province and to lead and conduct them, and with them to Encounter Expulse, repell, resist and pursue by force of Arms as well by Sea as by Land within or without the limits of the said Province and to oppose and kill all persons as shall attempt the invasion; detriment or annoyance of the said Province and exercise the Law Martial as in time of actual War, Invasion or Rebellion as in the said former Charter to ———

With a power to Erect Forts and fortify any places within the Province and the same to furnish with all necessary ammunition and Stores of War for offence or defence and to commit the custody of the same to whom he should see meet and the same to demolish at pleasure, and to take all Ships &c^a as should in a Hostile manner Invade or attempt the invading or annoying the said Province.

Provided that the Gov^r should not at any time transport any of the Inhabitants of the said Province or oblige them to march out of the limits of the same, without their free and voluntary consent or the consent of the great and general Assembly — Nor grant Commission, for Exercis-

ing the Law Martial, upon any of the Inhabitants of the said Province without the advice & consent of the Council or Assistants.

5 Geo. 2.

Georgia Charter — By this Charter a certain number of Trustees were appointed and incorporated who resided here, in whom the power of preparing Laws was invested in order to lay them before the Crown for approbation, and they were the very same powers of raising a Militia, Exercising Martial Law, repulsing and killing Invaders &c, as in the preceeding Charter to the Massachusetts Bay. This Militia when raised to be under the command & direction of the Governor of South Carolina.

DR. ANDREW ROSS'S LETTER TO WILLIAM PETRIE, DEC. 1788.

DEAR SIR,

I was very glad to learn from Capt. Bell that you were in good Health and had resumed your Rank at Madrass. I hope connubial Happiness and the pleasures of Society will over balance the ills attending the torrid zone. I would have taken the liberty to have troubled you with a few lines long ere now if I had known of an opportunity, but our petty traders have hitherto made a secret of their voyages and under the general name of India concealed their destination — I have been in this Country a little more than 4 years and like most of the Europeans who have come since the peace, sincerely wish I had never set a foot on shore or returned by the first opportunity. The number that have been disappointed afford some consolation, although the extreme ignorance of Great Britain and the egregious villany of America adds bitterness to disappointment and excludes all hope. Rome was founded by Rob-

bers, but these States only by Thieves, the Regency of Algiers may boast of good men but in vain will you looke for them here; however, we have Merchants without Capitals, Soldiers without honour or principal, and a degraded people ripe for any thing. Their hatred to Great Britain is almost astonishing; but when we reflect a little, our wonder ceases, inferior minds are allways implacable, especially when aggressors "*odisse quem læseris*" has not escaped the sagacity of Tacitus, if inconsistency is a never failing mark of depravity we will not hesitate to pronounce even Washington a fool or a knave; since he has renounced his principles and used all his influence to establish a form of Government quite opposite to what he fought for. The New System will be in force soon with Washington at the head of it. In all probability it will be as short lived as the present, although the science of government is well understood in any other Country. You are acting the part of Christians by rendering good for evil; it would not be possible to exclude them from trading in India, and if they brought money, they should be made welcome; but I cannot see the policy of purchasing the same articles from them on equal terms with yourselves.

I have been for some time passed exceeding ill, my old complaints are worse than ever, existence has been long insupportable, Death only can put an end to my sufferings. I earnestly wish it may be in my power to satisfy some people in Bengall before that awful Period, and hope Providence will grant my request although the prospect at present is unpromising. I beg you will excuse me for Recommending the Bearer, Captain Tingy to your civilities, an Englishman who has commanded a shipe in this Country for some years, and notwithstanding his attachment to great Britain is loved and Respected by the intolerent Whigs, he is first officer of the Shipe, they mean to make a trading voyage and may go to China before they return, he is an honest man worthy of your patronage, has a share

in the shipe with considerable property besides, your advice may be of essential service, I am sure the pleasure of doing good will be a sufficient inducement if the objecte was less worthy.

My old friends the Turks have behaved well this Campaign, although I imagine they owe more to the remissness of their enemies than themselves, if they are once drove from behind their old Fortress they are undone; for they can never stand in the field before well disciplined troops.

Dear Sir, I shall be convinced you have pardoned me for troubling you, when you deign to let me hear from you, in the mean time believe me to be with unfeigned regard your most obliged friend and Servant

AND^w ROSS

PHILADELPHIA Dec^r the 13th 1788.

WILLIAM PETRIE Esq^r

GEO. CHALMERS TO CHARLES MONROE.

GREEN STREET 22 Mar. 1789

D^R SIR,

When I received your note I was sitting down to write you for information how I was to communicate the little I had to say on the dark subject of the Pensylvania Claim.

1^t As to the Map of Mr. Reading:—Having never seen it I will only say, what I would say on oath, that the Pens have at all times have very readily found men to make Maps to suit their pretensions. Whatever may be the Charter boundaries of Pensylvania they might be overruled by the prior Charter and limits of Maryland, which running up to the 40 Deg. of North Lat must equally carry up the South Boundary of Pensylvania to the 40 Deg. of N. Lat, particularly in a claim of this kind. True:—

There was a decision of the Privy Council on this very boundary, namely the Northern of Maryland and the Southern of Pennsylvania in 1685:— But it was plainly a decision founded on misrepresentation and mistake. And, at last it was a decision in favor, not of Penn, but of the Crown, as Penn pleaded at the time. My inference therefore is, that on this occasion, the 40 Deg. of N. Lat ought to be considered as the South boundary and the 43 Deg. the Northern; having the River Delaware for the Eastern limits; and running due West on the 40 Deg & on the 43 Deg of N. Lat five Degrees of Longitude, to be bounded on the West by a line drawn between the extreme points of the two Longitudinal or West Courses on the 40 & 43 Deg of Lat just mentioned. But as there are many curves in the River Delaware, or Eastern boundary, it has been insisted heretofore, that the Western boundary ought to run in parallel curves. The Charter says, that the Northern limit is to be *the beginning* of the 43 Deg of N. Lat. These circumstances render it very difficult to calculate the number of acres in Pennsylvania, till these doubtful points as to the true boundaries are settled. Of the two mathematicians, Mason, and Dixon, who were sent from England to measure a due West line from New Castle, one is still living; and, if the Board be disposed to proceed with Mathematical exactness, they may learn from Sir Joseph Banks where this living Mathematician may be spoke with.

2^d Pennsylvania is doubtless a very large Country, by whatever boundaries it shall be circumscribed. It might throw additional light on this subject, were the Claimants called upon to produce all the Indian purchases they have made from the first to the last, and the number of acres in each, if they have not already done this.

3^d As to the Saleable Land claimed; It seems to me to stand on the footing of the Lands granted to individuals, who having made no improvements or otherwise complied with the terms of the grant, have not been considered as

very meritorious claimants. The claim and the calculation of the Saleable Land is founded on the supposition, That this Nation had guaranteed Pennsylvania to the Proprietors for fifty years to come against foreign conquest and domestic Rebellion. But I know not if the Nation has entered into such an engagement.

4th I am unable after all my research to trace minutely the progress of population in Pennsylvania, as the Proprietaries have always concealed carefully the state of their Province from the British Government. This progress however has been very rapid. From its settlement in 1682 till its Independence declared, in 1776, this Province had acquired more than three hundred thousand souls. I can demonstrate that Virginia and Maryland have doubled every five and twenty years since the beginning of this Century. Tho' the natural increase was great, a good deal of this hot bed growth was owing to importations both of Whites and Blacks, and to the overflowings from the superabundance of Pennsylvania. I can evince, That New England, during the same period, has doubled in every four or five and thirty years, by natural increase, though the Dr^s Franklin and Price have talked, I think, of four and five and twenty years. I am of opinion, That from the settlement of Pennsylvania it has increased as much as any of those Colonies by natural increase and more than any of those Colonies, in that period, by importations from Ireland, Germany &c. This increase has been particularly great during the ten years preceding the Revolution of 75. And at this epoch, Pennsylvania contained rather more than 302,000 Souls, of whom 2000 were Souls contained in Black bodies. I know the Congress stated this population at 350,000; but they were told at the time what they wished not to hear, that they were going far beyond the truth. But, where is this rapid increase of natural population to stop? The answer is—when it shall be as difficult to subsist in Pennsylvania as it is in Europe. This is per-

haps the case even now in Philadelphia; except indeed, that Parents even there may look to the Western Wilderness as a capacious reservoir for all their seed. But, let us suppose, that there were no channel to this reservoir, and that emigration were confined within the boundaries of Pennsylvania, then, I think, the progress of population would go on nearly thus

The number in 1775	302,000.
Add — 25	
in 1800	604,000.
Add — 25	
in 1825	1,208,000.

It is however proper to add, That all accounts agree, in stating the Emigration since the Peace to the fine Country on the West of the Ohio, and consequently beyond the limits of Pennsylvania, as almost incredible. And, I am of opinion, that these emigrations will continue for a Century to come; 1st because this Western Country is unbounded; 2^{ly} because the desire of Emigration Westward is very ardent in American hearts.

5th These observations go to show, that the Pens would not be able to sell all their saleable Lands in fifty years; and that they would be obliged to reduce the price, or purchase money, which was never well collected.

This, I fear, is all the light I can throw on this very obscure business: And, this I have written with the same sincerity as if I had said it upon Oath. Perhaps it would not be wholly impertinent, were I to add, that I have formerly perused the correspondence, such as it is, between the Secretary of State and the Penns, at the epoch of the Revolt, of which I now have notes:—That when the Tea Ship, which was not permitted to enter at Philadelphia, arrived in England the King sent for the Governor's dis-

patch but, the Secretary had only a Pensylvania newspaper to send; which newspaper I have seen, with an Indorsment *that the King had read it*, containing the proceedings about the Tea:—The Spring-garden Penn was sent to; but he had no dispatches:—Governor Penn was written to; but, he had scarcely an excuse, for giving no account of a Transaction which was deemed *Rebellious* in England. The subsequent correspondence of Gov^r Penn is mere lullaby, which was probably taken from the Philadelphia Gazettes. I have notes of curious correspondence from other persons. It is an incontrovertible fact, That from the epoch of the Stamp Act to the sad period of Independence, the Penns never would or did *act*, and scarcely would, or did *correspond*.

When you lay this letter before the Board will you be so good as to beg their excuse for one or two strokes of impertinence, for the sake of my endeavours to show how much I am

Their and your

Mo. Ob. and faithful Serv^t

GEO. CHALMERS.

CH^r MONROE Esq.

GOVERNOR DOWDESWELL TO G. CHALMERS, SEPT. 6, 1799.

[*Private.*]

HARBOUR ISLAND, Bahamas, 6 Septm. 1799.

MY DEAR SIR,

You will probably be surprised, at the Place, from whence this letter is dated, but I had for this month passed, been much indisposed by a Feverish Complaint, which left me so weak, as to make a change, of air, & scence, necessary towards my Recovery, and I intend to remain here, till

nearly the Meeting of the Legislature, or as our friend Gov. Beckwith terms it, The Colonial Parliament. I had a similar complaint last year, but the effects of which, were not nearly so severe, as what have lately oppressed me.

This Letter will be delivered to you by the Hon^l Col. Murray. He is going home, on his Private affairs, nor can I conceive, that He will ever again return to this Country. His object I believe to be, the procuring of some Preferment in the Army, to which he has lately had some encouragement to hope for, from some favorable inclinations, which the Duke of York has expressed for him. His manners are mild, & pleasant, and he appears to be, by no means deficient in information. His long residence in the Islands, added to his own observation, will enable you by conversing with him, to procure some useful intelligence in regard to the expediency of opening The Land office, as well as what the real state, and value of The Land in the Bahamas may be, a misunderstanding upon this subject, I take to be the reason, of no steps having been taken upon it.

The Admiral has at length added the Sloop Fox, L^t Woolridge, to The Prompte, now on the Station, and as I understand, she is to remain with us. In the Fox came passenger, Gen^l Bowles, and L^t Woolridge has orders to Land him, at the Creeks, but nothing further. M^r Bowles, brought me a Letter from Lord Balcarras, to acquaint me of his having paid his expences at Jamaica, — considering such a charge would meet, with the approbation of Ministers — I consequently have agreed to the same thing here, the amount of which will not exceed Thirty Pound. This General talks boldly, and in good language. He appears to be a most extraordinary character, and I shall be curious to learn how far his interest with the Indians really extends, and what may be the issue of his operations. He told me, it would be two months, before any thing decisive could be done. That his Dispatches to Government would

be transmitted through Lord Balcarras, and if military operations were resorted to, it would be in concert with His Lordship, but that He would take an opportunity of communicating with me, on the Measures He should adopt — I am still in the dark, as to how far, He is encouraged to expect support from G. Brittain, but am inclined to suspect, He has not so much as he professes to have.

I have not for some time, been able to write any Letters, you will therefore excuse the inaccuracy, and confusion, in the lines I now trouble you with, and forgive my now only adding,

That I am ever,

Your very aff. & most Faithful servant

W. DOWDESWELL.

G. CHALMERS, Jr, &c. &c. &c.

P. S. Gen^l Bowles told me, He had a Petition from Lord D. to him, for a grant of 20,000 acres of Land in the Creeks.

GEORGE CHALMERS TO WILLIAM HAMILTON, ESQ.

OFFICE TRADE WHITEHALL, 22 Oct. 1816.

DR SIR,

I have perused and considered the letter of Mr Barclay of the 10th and 12th of August last, relating to the Nova Scotia boundaries under the Treaties of 1783 and 1814 which you put into my hands and I now beg to submit what has occurred to me, on the several points so well suggested by his majesty's commissioner.

The United States have arisen within time of memory: and of course, cannot claim those various pretensions, the various topicks which arise from long usage: Their rights must be made out, from the positive grant of the

prior occupant and owner: In this case Great Britain was, and is, the prior occupant, and owner of the islands, in question from the distant epochs of colonization and discovery. The United States may claim, however, under the Treaty of 1783, all islands within 20 leagues of any part of the United States, with this *defeasance*; "excepting such islands as now are or *heretofore have been within the limits of the said province of Nova Scotia.*" It follows, then, as a fair consequence from the foregoing premisses, that the United States, cannot claim any island that has ever been deemed to lye within the limits of Nova Scotia.

This leads on to the enquiry what has been, at all times, the limits of Nova Scotia. It is curious to remark, that Mr Barclay has at once appealed to the royal grant of Nova Scotia to Sir W^m Alexander Lord Stirling, in the same manner as Mess. T. Shirley & Mildmay did, in 1749, at Paris, when acting as British Commissaries, for settling the Boundaries of that colony. The Board of Trade, with Lord Halifax at its head, disapproved of this: & so informed the Duke of Bedford, the Secretary of State. The objection of the Board was, that to appeal to that grant of Nova Scotia was to make Nova Scotia a part of Acadie; whereas those two colonies were identified, as one and the same; they were so indentified by the Treaty of Utrecht art XII, which ceded to G. Britain, *all Nova Scotia or Acadie with its ancient boundaries* and all other things in those parts, which depend on the land & *islands* together with the Dominion, & propriety and possession of the said islands, lands and places.* Upon this point of identification, it may be observed from the Books of the Board of Trade: The first commission which was granted, in 1712, to Col. Nicolson for that Colony, empowered him to take under his government *Nova Scotia or Acadie*; but without any boundaries; plainly referring, virtually to the ancient boundaries of Acadie or Nova Scotia as stated in

* The remainder of this paragraph was struck out of the original draft of the letter.

the peace of Utrecht. This form, and that policy, were continued in all the subsequent commissions to Governors, including that of 1749, which is the epoch of the present province of Nova Scotia, properly so understood, till the commission of 1763 to Montague Wilmot, when those were special assigned, in the place of the virtual reference, in former commissions, to the ancient boundaries of Nova Scotia or Acadie.

With regard to the ancient boundaries of Nova Scotia or Acadie, the Board proceed in the following manner: to evince the Truth of those limits and demonstrate His Majesty's just Title to all the Lands, Continents, Islands, Shores, Bays and Rivers, comprehended within them. In doing this we shall argue upon no facts which are not authentic, and no evidence which is not conclusive, and we are so fortunate as to be able to support every part of this claim, not only from several declarations and acts of State on the part of the Crown of France, but also from the uniform possession of that Crown for many years, both before and after the Treaty of Breda, which Crown as often as it claimed, and possessed Acadie, claimed and possessed it in that extent and with the same limits we now contend for.

In 1647 the Crown of France being then in possession of Acadia, Charles de Menon, Chevalier Sieur d'Aubray, obtained a Commission under the sign manual of Lewis the 13th — which recites “ that the said Sieur d'Aubray having been appointed by the late King, Governor and Lieutenant General of Acadia in New France had exercised that office for 14 years and had expelled the Foreign Religionaires from the Fort of Pentagoit and restored to the obedience of that Crown the Fort of the River S^t John; for which and other Services he is confirmed and reestablished in the said office by the following words, viz. Gouverneur et Lieut. Gen^l en tous les dits Païs, Territoires, Côtes et Confins de la Cadie, à commencer de le Bord de la Grande Riviere de S^t Laurent, tant du long de la Côte de la Mer

et des Isles adjacentes qu'en dedans de la Terre ferme et en icelle étendue tant et si avant que faire se pourra, jusques aux Virginies," and in another part of this commission, where power is given to the said d'Aubray to traffick with the Indians, the limits are described in the following words, "Dans toute l'étendue du dit Pais de Terre ferme et Côtes de l'Acadie depuis la dite Rivière S^t Laurent jusqu'à la Mer tant que les dits Pais et Côtes se peuvent étendre jusqu'aux Virginies."

To explain the word "Virginies" made use of in this Commission to denote the Western Limits of Acadia, let us observe that King James the First in 1606 granted a certain Territory to two Companies, allowing the one to settle at any Place on the Coast of Virginia between the Degrees of 34 and 41 the other between the Degrees of 38 and 45 North Latitude; and that in consequence of this Grant all that Country, which has since been divided into separate Provinces, passed for many years under the names of North and South Virginia; as will further appear from the ancient History of its first Planting by Sam^l Purchas, and from Neale's History of New England.

It results from this evidence that the Country of Acadia was then deemed by the Crown of France, to extend Northward as far as the Southern Banks of the River S^t Lawrence; and to the Westward, *as far as the River Pentagoet*; and that the Western Boundaries of Acadia abutted upon the British Territories.

The Board of Trade go on to strengthen that reasoning and conclusion by facts. To this effect, they show, that during the civil wars, which were closed by the Restoration, Cromwell in 1654, dispossessed the French of several Forts along the shore from S^t Croix to Penobscot, and particularly of a fort at Penobscot; These forts not only retained the possession of the intermediate country, but protected the French Colonists from the depredations of the Indians. On the Restoration they solicited to be re-

stored to what they had been dispossessed of, which was agreed to by Charles II. In order to confirm the possession, the country of Acadie, extending westward to the River Penobscot, was ceded in 1667 by the Treaty of Breda, which was carried into full effect, by solemn instrument for that purpose. In consequence the French remained in possession of Acadie till the Treaty of Utrecht, by which, as we have seen, Acadie or Nova Scotia, according to its ancient boundaries, were ceded by France to G. Britain. From that epoch G. Britain has possessed Nova Scotia. From that epoch the Colony has been ruled by Governors, in virtue of Commissions from the Crown, by the name of Nova Scotia or Acadie, without any specific boundaries down to the Peace of 1763, when a Commission being granted to Montague Wilmot, special boundaries were thereby assigned.

The Board of Trade having proved incontestibly the ancient right of G. Britain to Nova Scotia or Acadie proceed to show how the two countries came to be identified, by the names of Acadie or Nova Scotia. They trace this indentification to the grant of King James, in 1621, and the supplement thereto by Charles I. in 1633 to Sir W^m Alexander, when the country from the River S^t Croix north eastward was called Nova Scotia. They show clearly, that the grants to Sir W^m Alexander could not be carried further to the westward; as the country had been already granted to two great companies; the Southern called the Virginia Company, and the Northern the Plymouth Company, of which Sir W^m Alexander was a copartner, being in possession. The Board go still further: They show not from tradition, but from Documents, that Sir W^m Alexander obtained from the Plymouth Company, a right to the country, from the S^t Croix, westward to the Penobscot, so that the name of Nova Scotia was thus extended to the intervenient country, coextensive with the Title of Sir W^m Alexander. This point is very important, because it

relieves the anxieties of M^r Barclay, as to the narrowness of the line, from Cape S^t Mary's to the mouth of S^t Croix, which intersects the island of Grand Manan, so as to leave only $\frac{1}{4}$ within the Nova Scotia boundary.

After reasoning all those topics with great knowledge, and success, the Board went over the several French charts and maps, and show that from the beginning of the 18th Century, the French geographers had included the Bay of Fundy, within Nova Scotia or Acadie; by laying down the territories of Nova Scotia on both its sides of this Bay so as to environ this long body of water on every side. Now, as the island in question, of Grand Manan lies, geographically in the Bay of Fundy; so is this island in Nova Scotia or Acadie. But if the American Commissary should dispute the authority of the French charts which were made under the eye of the French government, an authority may be quoted which the American Commissary cannot reject. The American geographer the intelligent M^r Morse in treating of Nova Scotia places expressly the Bay of Fundy within that Province, as one of the most extensive bodies of water within Nova Scotia. Of consequence M^r Morse decides the present enquiry, with regard to the local position of Grand Manan, in favour of G. Britain, by placing this island in the Bay of Fundy.

Thus much then with regard to the ancient boundaries of Nova Scotia or Acadie, which was so ably stated by the Board of Trade; and which so appositely applies to the present question. They left not a doubt as to his Majesty's title to the Grand Manan in the Bay of Fundy. The next enquiry is with regard to the pretensions of the United States, who seem to be fishing in the Bay of Fundy, for what they can catch.

We have already seen in the preliminary paragraph, that they can claim nothing but from their treaties with G. Britain. Under the fundamental Treaty 1783, whereby they acquired independence, they may claim all islands,

within 20 leagues of any part of the United States, with an exception of those islands, which have at any time been within the limits of Nova Scotia. They cannot claim then, any islands which have ever been deemed within the ancient boundaries of Nova Scotia. For this defeasance nullifies all pretensions to any islands, within such ancient boundaries of Nova Scotia. The Board of Trade clearly proved in 1749, that the ancient and modern limits of Nova Scotia, comprehended the Bay of Fundy, which is quite sufficient, for the present purpose. But the Board went further in their profound researches: they showed clearly, that the ancient boundaries of Acadie, which they identified with Nova Scotia, went far to the westward of S^t Croix; and extended even to Penobscot: We now see how far G. Britain, under that reservation of all islands, that had ever been within such limits to the westward, may carry her right, and her possession. And it must always be remembered, that whatever was excepted or reserved by G. Britain, was not granted, or conceded to the United States. Add to this, that it is a maxim of Diplomacy, as well as of Jurisprudence: *Melior est conditio possidentis*. The United States form their pretension in opposition both to the *Title* and *Possession* of G. Britain; supposing they can take the concession of those islands, disregarding the Defeasance, which nullified the concession, as far as relates to the Islands within the most ancient limits of Nova Scotia. As if in fair discussion, this were fair dealing.

It is mentioned, indeed, by M^r Barclay, that there was some change made in the boundaries of Nova Scotia, when the Commission was granted to Governor Wilmot in 1763, which the United States mean to found upon: and he deems it of importance that his majesty's agent, M^r Chipman should be furnished with the instrument, by which this change was effected, in order that the principle and policy of that change of boundaries may be seen. It is undoubtedly remarkable, after so many commissions had

been granted to Governors of Nova Scotia, in a different form. The first commission was granted to Col. Nicolson in 1712, when he was empowered to govern Nova Scotia or Acadie; but without any specification of boundaries; referring virtually to the ancient boundaries of Acadie or Nova Scotia. Even when Nova Scotia was formed into regular provinces in 1749, the commission to Governor Cornwallis was in the same indefinite form: and this form and that policy, continued till the granting of the commission to Montague Wilmot, in 1763, when specific boundaries were substituted for virtual reference to ancient limits. There is no other *Instrument* upon that occasion, but the Commission to the Governor, and the *Representation to his Majesty*, by the Board of Trade, according to the laudable practice of that period. A copy of this representation consisting of three pages, may be sent out to M^r Chipman, for exposition and argument. The cause assigned is, the decision of the attorney and solicitor general, in 1732, as to the country lying between the S^t Croix and Penobscot, which they supposed, upon the case laid before them, to belong to Massachusetts; and which the Board did not think fit to disturb; though the Board was of opinion "that there were many material circumstances in favour of your Majesty's right to the country as far westward as the River Penobscot, which were not stated in the case laid before the attorney and solicitor in 1732, upon which case their opinion, and the decision of the Council, were founded. We do not think it advisable, that this restriction of the Western boundaries of Nova Scotia to the River S^t Croix should pass, without some reservation of your Majesty's right to the country between that River and Penobscot, being entered upon the Council books." It was also intimated by the Board, that this reservation would enable the Government to make the better bargains with the Massachusetts, in case the Southern boundary of the Quebec Province, should trench upon the Northern limits of Massachusetts. It is perhaps more important,

in the present enquiry, to advert, that when the discussion was depending before the attorney and solicitor general in 1732, the Massachusetts avowedly acknowledged, that the Massachusetts did not form any pretensions to Nova Scotia ; as we learn from the attorney and solicitor's Report. The Massachusetts thus relinquished any pretensions to Nova Scotia according to its limits as understood in 1732 : If the Massachusetts relinquished any pretensions to the Bay of Fundy, as a peculiar part of Nova Scotia, this would answer the present purpose of preserving to G. Britain the several islands in the Bay of Fundy.

But what were the special limits of Nova Scotia, in Governor Wilmot's commission, which apply to the present question ? " Bounded to the Westward by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River S^t Croix." But at the conclusion of the whole specification of boundaries, there is this reservation : " And to the Southward by the Atlantic Ocean, from the said Cape to Cape Sable aforesaid, *including the island of that name, and all other islands within forty leagues of the coast*, with all the rights, members and appurtenances whatsoever thereunto belonging." Upon this specification two questions may be made : (1) whether the line drawn from Cape Sable (not Cape S^t Mary's, as M^r Barclay has it) across the entrance of the Bay of Fundy to the mouth of S^t Croix, may not be deemed *the western coast of Nova Scotia* ? (2) whether the Grand Manan isle does not lye nearer than 40 leagues of the eastern bank of S^t Croix ? In both cases the Grand Manan would come within the forty leagues reserved. If so the claim founded upon this specification is nothing to the purpose.

Yet, says M^r Barclay, " I have reason to believe, it will be attempted to support the claim of the United States to Grand Manan and the islands in the Bay of Passamaquoddy, by the limits of Nova Scotia, as described in his Majesty's commission to Lord W^m Campbell in 1766, and to Francis Legg in 1773 as Governors of that Province."

The specification, as to this Western boundary is the same in both as those in Governor Wilmot's commission in 1763. There is an obvious remark to be made as to all those commissions, from 1763 downwards, that they were all prior to 1783, when the Treaty allowing the independence of the United States was made; and the reservation was made of such islands as had ever been deemed within the limits of Nova Scotia. Now the United States, when the Treaty 1783 was made were content to take the grant of the islands within 20 leagues of their coast, with the said reservation of all islands, that have at any time, belonged to Nova Scotia, And this reservation operates as a Defeasance, which nullifies any pretension to such reserved islands. But it cannot be allowed in argument, that a grant shall be taken without the defeasance, which accompanies it. If this could be successfully done it would put an end to all fair discussion and honest meaning.

With regard to that part of Mr Barclay's letter, which relates to the 5th article of the Treaty of Ghent, I have but little to say. The origin of the boundaries of the United States therein mentioned may be traced to his Majesty's proclamation 1763; settling the boundaries of the conquered countries, that were ceded by the peace. Those boundaries seem to have been adopted into the American Treaty 1783 and were recognized and referred to by the Treaty of Ghent. Having reference to the Map, in Morse's Geography of the Northern and Middle States which precedes page 33, the River Connecticut is made to rise from two Streams, the one much longer and more western than the other and rising from a small lake situated upon the high grounds, that send their waters northward to the St^l Lawrence and Southward to the Atlantic; the same high grounds being very distinctly marked in the said Map of Morse by the name of Albany Ridge, or Mountains of Notre Dame

I am ever D^r Sir Your most faithl ob^t Ser^t

[Not signed.]

COLONEL BARCLAY TO WILLIAM HAMILTON, ESQ.

NEW YORK, 11th Jan'y 1817

SIR,

I this day had the honor to receive thro' H. M.'s Min^r at Washington your letter of the 9th of Nov^r together with the Copy of a Letter from the Board of Trade, detailing the result of researches which have been made respecting the original limits of the Province of N. Scotia. The Information contained in Mr Chalmers's letter is of primary Importance; & will when Mr Chipman H. M.'s agent is furnished with authentic copies of the documents referred to in it, satisfactorily shew that the Islands, to which the 4th Art. of the Treaty of Ghent relates, heretofore have been within the limits of the Province of N. Scotia. No notice is taken by Mr Chalmers of that part of my Letter of the 12th Aug^t to Viscount Castlereagh, in which I suggested the propriety of furnishing Mr Chipman with authentic copies of all papers relating to Lord W. Campbell's application to H. M'y for a grant of the Island of Grand Manan, temporarily secured to him in 1773, by a reservation of the Governor & Council of N. Scotia. I beg leave to repeat that if such documents can be found, they will be of great service. In national Questions the greater the mass of Evidence the better, provided it is apposite; & if in the event, the decision on the 4th Art. of the Treaty must be referred to some Friendly Power, I must doubt whether any evidence, other than that which was laid before the Comm^{rs}, will be received.

As the Arguments & Evidence on the subject of the 4th Art. of the Treaty of Ghent are to be delivered to the Comm^{rs} at Boston on the 28th May next, it is of moment that H. M.'s Agent is furnished without delay with legally certified Copies of the following papers viz^t, the Proceedings of the B^d of Trade in 1769 on the subject of Acadie

or N. Scotia, in part recited in Mr Chalmers's Letter, & which would contain the Concessions of Louis 13th to the Sieur d'Aubray as Governor & L^t Gen. of Acadie, likewise his reestablishment in both those Characters in Acadie — Copies of the Grant of James 1st in 1606 to the 2 Companies, the one to settle at any place between the Degrees of 34 & 41, & the other between 38 & 45 of N. Lat.—A copy of the Treaty of Breda & the "solemn Instrument" (mentioned by Mr Chalmers) "under which that Treaty was carried into effect" — Copies of the Documents by which Sir W. Alexander obtained from the Plymouth Comp^y a right to the Country from the S^t Croix westward to the Penobscot — All the papers & documents relating to the Opinion of the Atty & Sol^r Gen^l in 1732 (noticed in Mr Chalmers's letter) with the decision of the Privy Council thereon, & the acknowledgement of Massachusetts, that it did not form any pretensions to N. Scotia.

Mr Chalmers in his Letter makes mention of Morse's Geography or Gazetteer, & the Map therein, & appears to consider it of consequence, that in treating of N. Scotia, Mr Morse "places expressly the Bay of Fundy within the Province of N. Scotia." — It would be dangerous to cite Morse as an authority, because it would authorize the American Agent to rebut Mr Morse's statement by that of Mr Bouchette the Surveyor Gen. of Lower Canada, & H. M.'s Surveyor under the Treaty of Ghent, who in his map lately published in London, has heedlessly & incorrectly described not only Grand Manan but also all the Islands in the Bay of Passamaquoddy within the limits of the Un^d States. The preponderance naturally to be given to the representation of Mr Bouchette will appear evident, when it is remarked that he is an Official Character under H. M'y, & Mr Morse a private Citizen of the United States.

I am &c

(Signed).

THOS BARCLAY.

WILLIAM HAMILTON, Esq. (Under Secretary, Foreign Office.)

HENRY GOULBURN TO GEORGE CHALMERS.

DOWNING STREET 13th Feb: 1817

SIR,

I am directed by Earl Bathurst to transmit to you the copy of a letter from Mr Commissioner Barclay, relative to the information furnished by you respecting the original limits of Nova Scotia and requesting authenticated copies of the several Papers therein mentioned; and I am to acquaint you that Lord Bathurst is of opinion that it is very important that these Papers should be prepared with as little delay as possible in order that they may be transmitted to Mr Barclay by the earliest opportunity.

I am, Sir

Your most obed. Serv^t

HENRY GOULBURN

GEORGE CHALMERS Esq:

GEORGE CHALMERS TO EARL BATHURST.

WHIT. 4 Mar 1817

MY LORD,

In reference to your Lordship's commands signified to me by Mr Goulburn's letter of the 13 February and my explanatory letter thereof in my letter to your Lordship dated 18 February I beg to lay before your Lordship the Representation of the Board of Trade setting forth the right and title of the Crown to the whole of Nova Scotia, otherwise called Acadie as the same was bounded on the Westward by the river Penobscot, with the islands along the shore thereof; and as the same was possessed at various epochs, by G. Britain.

I will only presume to add the sincere assurances of my profound respect being on all occasions

Your Lordships
most faith. & most ob^t ser^t

G. C.

I have annexed the same authentication, which I have conjoined to similar Documents which have been asked and given to the United States during more than thirty years.

GEORGE CHALMERS TO EARL BATHURST.

OFFICE FOR TRADE AND PLANTATIONS,
WHITEHALL, 18th Feb^y 1817.

MY LORD,

I have had the honour of receiving your Lordship's directions, touching the Islands in the Bay of Fundy, claimed by the United States, under certain Treaties.

The direction is so large, and the responsibility of giving or not giving such a variety of documents, on so important a subject, so great that I have presumed to think it the safest course, both with regard to the rights of the Crown, and to my own character for discretion, to submit some considerations, to your Lordship's judgment before I proceed much farther in the execution of the business thus committed to my charge.

I presume to think that I understand the Nature of this negotiation with the United States, which is very simple in itself, but it may be made very complex, by going into extraneous matter.

By the treaty of 1783, all islands, lying within 20 leagues of the shores of the United States were granted by the Crown of Great Britain to the United States: "excepting such islands, as now are (1783) or *heretofore have been within* the limits of Nova Scotia."

The United States in forming pretensions to the islands, within or near the bay of Fundy, act upon a very safe

speculation; as they may gain something in the scramble, but can lose nothing. The Treaty of Ghent, without altering the title of either party, has declared, that Commissioners shall be appointed to decide upon the pretensions, and the proofs, of both parties. It is interesting to remark, that this is a negotiation on the same grounds, and about the same subject, namely the ancient limits of *Acadie*, or Nova Scotia, which was carried on at Paris, by Mess^{rs} Shirley and Mildmay, in 1750-51-52. On that occasion, the King appointed a very able Board of Trade, with Lord Halifax at the head of it, to draw up the Arguments, which were to ascertain the rights of the Crown. It is unnecessary to remark, that the papers which were written on that occasion, are distinguished for great critical acumen, much political prudence, and profound research. On this occasion, there is a Commissary appointed under the Treaty of Ghent, and an agent for the King, who, I suppose, is to show and support, the rights of the Crown. But as far as I know, there is no Board or Commission appointed, by the King, at Whitehall to draw up arguments, on the title, or to write Representations on the pretensions of the Crown. This last intimation will, I trust, justify me in troubling your Lordship with my difficulties in fulfilling your Lordship's wishes.

The British Commissioner has written for a vast body of Documents, in order to sustain the pretensions of the Crown to the Islands in question. With your Lordship's leave, I will run over the whole, in order to submit to your judgment, what can be given, and what cannot, in the time required, and what is not in my power to give.

A List of Papers required by Colonel Barclay's Letter of January 11, 1817.

1. This would form a carload of Papers, (to use an expression of the French commissaries in 1750-1)

1 Authentic copies of the Documents referred to in Mr Chalmers's letter touching the Islands in the Bay of Fundy, claimed by the United States under the Treaty of Ghent.

2 All papers relating to Lord William Campbell's ap-

plication to His Majesty for a grant of the Island of Grand Manan.

3 The proceedings of the Board of Trade in 1749 on the subject of Acadie or Nova Scotia.

4 The concessions of Louis the 13 to the Sieur d'Aubray as Governor and Lieut. Gen^l of Acadie &c

5 Copies of the Grant of James the First in 1606 to the 2 Companies, the one to settle at any place between the Degrees of 34 & 41 and the other between 38 & 45 of the N. Lat.

6 A copy of the Treaty of Breda and the solemn Instrument for carrying that Treaty into effect.

7 Copies of the Documents by which Sir W. Alexander obtained from the Plymouth Comp^y a right to the country from the S^t Croix westward to the Penobscot.

8 All the papers and documents relating to the opinion of the Attorney & Sol^r General in 1732 with the decision of the Privy Council thereon & the acknowledgement of Massachusetts, that it did not form any pretensions to Nova Scotia.

Col. Barclay, in order to justify his calling for so many papers, makes the following remark, " In national questions the greater the mass of evidence, the better, provided it is apposite; and if in the event, the decision on the 4th art. of the Treaty, the question must be referred to some friendly power, I much doubt, whether any evidence, other than that, which was laid before the Commissioners will be received." This last intimation is very probably true: But the first part of his observation is directly contrary to the judgment of the Board of Trade in 1750-1. For the French Commissioners having demanded copies of the Charters, and other papers, which were annexed to the Board's representations; they advised the Secretary of State to resist this claim, as those Charters and Papers, contained extraneous matters, which would only enable the

and require a dozen clerks to copy them in a twelve-month.

2. There is not any notice in the Books of the Board, on this subject; nor any in the Books of the Privy Council which have been searched for the purpose.

3. This calls for the same documents as No. 1, and are therefore subject to the same objection.

4. This concession will be found in the Document which will be prepared to be sent.

5. These have been printed a thousand times, and furnish some of the earliest history of the New England States. The originals are in the Chapel of the Rolls, and will require some money to obtain authenticated copies.

6. This has been often printed; is in every collection of Treaties. The original is in the paper office, over which this office has no jurisdiction. The instrument is also in the Paper Office.

7. This Document, if not Documents, is probably in the Chapel of the Rolls. Upon subsequent inquiry I have discovered that this

document is neither in the Chapel of the Rolls, nor in the State Paper Office.

8. These cannot be given for the Law Officers sat, in a sort of court, and were attended by the New England Agent, his Solicitor, and Counsel, who laid their Documents before the Court, and then carried them away, so that there are no copies in the Board of Trade books. The proceedings thereon by the Privy Council may be given. The acknowledgment of the Massachusetts was given before the Attorney and Solicitor General and not by a formal Document, as the same is intimated by the Crown lawyers report.

French Commissaries to form objections, and to raise disputes upon irrelevant points. Now this applies much more forcibly to the American Commissioner; the Americans having not one iota of evidence, and documents, and merely rely on our producing a cartload of Papers, which will furnish them with a cartload of quirks and quibbles, objections and altercations. By supplying them with such a number of papers, more than our Title requires, we furnish an irascible people with a bundle of rods to flog us for our follies.

Having thus submitted to your Lordship's judgment, what Documents ought *not* to be sent to the King's Commissioner, I will now with your Lordship's leave, proceed to show what ought to be transmitted, for making and supporting the claims of the Crown to the islands in question.

Your Lordship will easily forgive me, for intimating to your Lordship's notice, that the King's negotiators at Ghent, have by inattention, enfeebled his majesty's title. The expressions in the original Treaty of 1783, as I have already shown, were that "all islands within twenty leagues of any part of the shores of the United States," were granted to them "excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia." Now, when the claim of G. Britain to those last mentioned islands is recited in the IV article of the Treaty of Ghent, the former words in the *disjunctive* are changed to these terms in the conjunctive "which said islands are claimed as belonging to his Britannic majesty; as having been at the time of, and previous to the aforesaid Treaty of 1783, within the limits of Nova Scotia." Your Lordship's discerning eye now perceives distinctly, that the Terms of the original Treaty ought to have been used, as containing his majesty's claim, and no other words. It must be, at the same time, remarked that the same article in the Treaty of Ghent does stipulate, that the decision of

the points in question “shall be made in conformity with the *true intent* of the said Treaty of Peace of 1783.”

With this preliminary observation, I now proceed to submit to your Lordship’s prudence, how and by what documents, the claim of his majesty ought to be made and supported, under the Treaty of Ghent. When the same claim was made, and the same title was to be made out at Paris, in 1750, the important trust was invested in an able Board of Trade and Plantations; and Mess^{rs} Shirley and Mildmay, had only to obey instructions sent, and to deliver Representations, drawn by the Board, and transmitted to them.

The question now is, whether this important trust ought to be transferred to the King’s Commissioner, and agent in America, or reserved to the joint wisdom of the King’s Ministers at Whitehall; in other words, whether the drawing of Representations of the Claim, and Title, should be left to the said Commissioner, and agent, from indistinct views of the subject, and disjointed documents proving separate points: or if a Representation of the said Board of Trade, drawn from a comprehensive view of the whole subject, and sustained by a continuity of, and a concatenation of circumstances, from the epoch of colonization to the era of the peace of 1748, amounting to moral demonstration, should be sent out to the said Commissioner and agent, as his majesty’s claim and title to the islands in question. For your Lordship will have the goodness to recollect, that the point to be made out, in 1750, was the King’s title to the whole of Nova Scotia, and the point at present, is the King’s title to *a part* (some islands) of Nova Scotia. Now the same Representation which was drawn by the Board of Trade, for maintaining the King’s claim to the whole of Nova Scotia, still remains, to maintain the King’s claim to a part of Nova Scotia, namely, the Islands in question. It may be here properly remarked, that it was, from this Representation that I wrote my former letter,

which is deemed by Col. Barclay, of primary importance; and that this Representation contains, perhaps three fourths of the documents requested by the King's Commissioner, though in an argumentative form.

Suppose this Representation were sent out and delivered, as the King's pretension, and proofs of his title to the Islands in question, it would only establish one alternative of the Reservation, in the Treaty of 1783, namely, that the islands in question heretofore have been within the limits of the said province of Nova Scotia. If the said Representation should be deemed however, by the two Commissioners satisfactory proof of that point, this would be alone decisive of the question at issue, as those islands were not to be ceded to the United States, but to remain with his Majesty if the same islands had heretofore been within the limits of Nova Scotia.

The other alternative of the Reservation, or exception in the Treaty of 1783, namely, "such islands as *now are*, within the limits of Nova Scotia" is, I submit, of more difficult proof; at least from such Documents as remain at Whitehall. The Commissions, which were formerly granted to the Governors of Nova Scotia, consisted of a mere authority to govern Nova Scotia, with a virtual reference, merely, to the ancient limits, or the known limits, or the practical limits. Soon after the peace of 1763, the practice was adopted of assigning in the Governor's commissions specifick boundaries to Nova Scotia, and it happened unfortunately, that the southwestern limit was made to cross the bay of Fundy, in such a direction, as to sever the island of Grand Manan, and to divide the islands in question. Certainly, in fair discussion, it cannot be supposed, that it could have been the intention of the Crown to transfer those islands to a different Colony, or to leave them without a Government. And it appears clearly from the well known exception in the American Treaty of 1783 that it had been the purpose of the Crown, to retain the

several islands in question, within the limits of Nova Scotia.

In this doubtful view of this particular enquiry, touching the islands that were, in 1783, deemed within the limits of Nova Scotia, the only effective step, that can be taken, if the Crown mean to contest the point, with wisdom and vigour, is to have a fast sailing cutter in readiness, to sail express to Halifax, with an intelligent Clerk of your Lordship's office on board in order to carry directions to the Lieut. Governor of Nova Scotia, that he would call to his assistance the Chief Justice, and Attorney General, or other persons, who are in the habit of accurate research; for the purpose of searching the Books of his majesty's Council there, the Journals of the assembly, the Land Records of that province, for any Grants of land that would show, whether the Islands in question, did belong, or were deemed to belong to Nova Scotia in 1783 or before, or soon after that year. Affidavits of old men might, also be taken, as to what they remember in respect to the question at issue. Information, in particular, should be there obtained, from the Council Books, or Land Records, of what Col. Barclay has intimated touching Lord William Campbell, having obtained in 1773, a reservation of one half of the island of Grand Manan. If this could be established, and the probability is that it may, this circumstance would go far, to prove the point at issue, namely that the islands in question, were deemed, in 1773, to belong, practically speaking, to Nova Scotia. For nothing can be stronger proof, than those lands were then granted within those islands, by the Government of Nova Scotia. I have already said, that there is no proper proof of this fact at Whitehall.

If Mr. Chipman the King's agent should be at Halifax, at the arrival of the express there, he should be directed to take charge of those inquiries to be made there, and to have them properly authenticated. If Mr. Chipman should

be absent, the Clerk sent out, should be instructed to take upon him the same charge ; and when completed, to follow in the cutter Mr Chipman wherever he may be, and to deliver him, the Dispatches from the Secretary of State, with such informations, as he may have obtained at Halifax.

I have now submitted to your Lordship's judgment, with great deference, I trust, a plan, for supporting the King's title to the islands in question.

There is another point or two, which may perhaps require some observation. Col. Barclay desires, that the Documents to be sent should be legally certified ; but he does not specify what would be deemed a legal form. On this head, Mr Chipman might be instructed, in this manner : Ever since the treaty of 1783, the people, and authorities of the United States, have applied year after year, to the plantation office, for Documents, either to settle some boundaries, between States, or to establish titles, in Courts of Justice between individuals. Those Transcripts have been, constantly, certified to be true copies, from particular books, by the Chief Clerk of this Establishment, being, by the King's appointment, keeper of the Books & Papers of the late Board of Trade ; and in testimony of the truth of which, he caused to be affixed the seal of this office. I have never heard of any objection being made to this authentication : To this may be added, that if the Agent for the United States, should, on this occasion, object to such authentication, he will do a great injury to the States, and the people who compose them, by depriving both of this source of evidence.

Having mentioned in my letter to Mr Hamilton a copy whereof was sent to Col. Barclay, Morse's American Geography, for showing, that he includes the Bay of Fundy in Nova Scotia, without any serious purpose, the King's Commissioner is induced to intimate what is of great importance : That Mr Bouchette, the surveyor, of Canada, and of this

Commission, has heedlessly placed the Bay of Fundy and the islands in question, within the limits of the United States, and has thereby weakened the King's title: It may thereupon be observed, that in the discussion of 1750-1, the French Commissaries quoted Popple's Map of America (he being Secretary of the Board) as supporting their pretensions: The Board disavowed Popple's map, as being made, without their knowledge, and certainly without their authority: Mr. Bouchette, it seems, has skill without knowledge; and his ignorance will not overthrow the profound Representation of the Board of Trade 1750-1.

I shall be happy to receive your Lordship's Ulterior commands, either personally or otherwise, as may be most agreeable to your Lordship.

For I ever am

with the greatest respect

your Lordship's

most humble & faith. ser^t

[No signature, but the handwriting is that of G. CHALMERS.]

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 " l. 24, 26, for Aubray read Aulnay.
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